7493. By Mr. SINCLAIR: Petition of Northern Pacific System Lodge, No. 87, Brotherhood Railroad Signal Men of America, protesting against unrestricted immigration; to the Committee on Immigration and Naturalization.

7494. By Mr. SMITH of Michigan: Petition of Battle Creek Trades and Labor Council, of Battle Creek, Mich., urging restriction of immigration; to the Committee on Immigration and Naturalization.

SENATE.

FRIDAY, *March 2, 1923.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we bless Thee for the privileges continued unto us, for all the mercies with which Thou art crowning our days, for the opportunities of service for a loved country, and for the high honor of being related to Thee in all the duties and obligations of life. Hear us this morning; be with us constantly; and ever help us to realize Thy presence. We ask through Jesus Christ, our Lord. Amen.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	Lodge	Shields
Ball	Frelinghuysen	McCormick	Shortridge
Bayard	George	McCumber	Smith
Borah	Gerry	McKellar	Smoot
Brandegee	Glass	McKinley	Spencer
Brookhart	Gooding	McNary	Stanley
Bursum	Hale	Moses	Sterling
Calder	Harreld	Myers	Sutherland
Cameron	Harris	New	Swanson
Capper	Harrison	Norbeck	Townsend
Caraway	Heflin	Norris	Wadsworth
Colt	Johnson	Oddie	Walsh, Mass.
Couzens	Jones, N. Mex.	Overman	Walsh, Mont.
Culberson	Jones, Wash.	Page	Warren
Cummins	Kellogg	Phipps	Watson
Curtis	Kendrick	Pittman	Weller
Dial	King	Ransdell	Willis
Dillingham	Ladd	Reed, Pa.	
Edge	La Follette	Robinson	
Ernst	Lenroot	Sheppard	

Mr. CALDER. I wish to announce the absence of the Senator from Connecticut [Mr. MCLEAN], the Senator from Pennsylvania [Mr. PEPPER], the Senator from Oklahoma [Mr. OWEN], and the Senator from Nebraska [Mr. HITCHCOCK] on business of the Senate.

Mr. PHIPPS. I desire to announce the absence of my colleague [Mr. NICHOLSON] on account of illness.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Seventy-seven Senators have answered to their names. There is a quorum present.

PROPOSED CONSIDERATION OF THE CALENDAR.

Mr. CURTIS. Mr. President, before we proceed to routine morning business, I would like to submit a request for a unanimous-consent agreement. I ask unanimous consent that at the conclusion of the routine morning business the calendar be called for unobjected House bills and unobjected Senate resolutions until they are completed or not later than 1 o'clock.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that at the conclusion of the routine morning business the Senate proceed to the calendar for the consideration of unobjected House bills and unobjected Senate resolutions. Is there objection?

Mr. CUMMINS. Does the Senator from Kansas mean that we are to begin at the beginning of the calendar?

Mr. CURTIS. No; to begin where we left off at the last call.

The PRESIDING OFFICER. Beginning with calendar No. 1035.

Mr. SUTHERLAND. I should like to ask whether that would include unobjected joint resolutions?

Mr. CURTIS. No; I said Senate resolutions. If a joint resolution has passed the House the request would include it, but not otherwise.

Mr. SUTHERLAND. Would it not be well to include all joint resolutions?

Mr. CURTIS. Very well; I will include unobjected joint resolutions.

Mr. KING. May I inquire of the Senator why he discriminates against Senate bills and in favor of Senate joint resolutions or Senate resolutions?

Mr. CURTIS. The House has been holding night sessions to pass Senate bills. There are quite a number of House bills on the Senate calendar. In my judgment, no bill can pass at this session that has not already passed one House or the other. I think it would be useless to pass a Senate bill at this time, because it would be impossible to get it through the House before Sunday. I believe we owe it to the House to dispose of their measures.

Mr. KING. When the Senator says House bills he means reported bills?

Mr. CURTIS. I mean those reported and on the calendar.

Mr. HARRISON. Mr. President, I have a bill on the calendar that is a private measure and there can not be any objection to it. It has not passed the House, and that bill can not come up for consideration under the proposed agreement.

Mr. CURTIS. After we have concluded the call of the calendar under the unanimous-consent agreement the Senator could ask unanimous consent to take up his bill. I do not suppose anyone would object to its consideration.

Mr. HARRISON. That might be a long time off. I think I shall object to the request of the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Mississippi objects.

Mr. CURTIS. Then I ask unanimous consent that at the conclusion of the routine morning business, the Senate shall proceed to the consideration of unobjected bills and resolutions on the calendar, beginning where we left off at the last call of the calendar.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that at the conclusion of the routine morning business, the Senate shall proceed to the consideration of unobjected bills and resolutions on the calendar, beginning at Calendar No. 1035. Is there objection?

Mr. MCKELLAR. I object.

The PRESIDING OFFICER. The Senator from Tennessee objects.

SUGAR PRICES AS AFFECTED BY THE FORDNEY-M'CUMBER TARIFF.

Mr. WALSH of Massachusetts. Mr. President, recent information of a further advance in the price of sugar suggests the appropriateness of calling the attention of the public to the effect of the tariff in increasing the price of sugar since the passage of the Fordney-McCumber tariff law.

When the Fordney-McCumber law became effective last September, the wholesale price of refined sugar was 6.25 cents per pound. It is now 9 cents, or about 44 per cent price increase in five months. This is the highest price sugar has reached in the last 40 years, with the exception of five months in 1919 and the average price for 1920. It is interesting to compare the New York refined price announced February 3, 1923, with the average price for recent years: The average for 1922 was 5.904 cents; for 1921, 6.207 cents; for 1920, 11.309 cents; from August 12 to December 31, 1919, 9.003 cents.

The present wholesale price of 9 cents is the highest since 1883, with the exception of five months in 1919, and the average for 1920, as I have said before, which was the peak period of war-time inflation. The retail price is now 10 cents per pound in New York, and from 11 to 12 cents per pound in other parts of the United States.

The present tariff is responsible for 2 cents per pound of this increase price, according to the United States Sugar Association. I request that a recent letter and review of this question published by this association be printed in the RECORD.

Mr. SMOOT. Mr. President, if that is to go into the RECORD, I simply want to say that if time permits, I shall answer not only the article that is to go into the RECORD but circulars that have been sent out by the refiners of the country, which are filled full of lies.

Mr. WALSH of Massachusetts. I assumed the Senator would say it was all a lie; but a categorical denial is not an answer. I hope the Senator will answer, if he can, the claim that the Republican tariff is responsible for the present high price of sugar. I am asking to have this communication inserted in the RECORD this morning because of comments in the press of the country to-day with reference to the very high increase in the price of sugar recently announced.

Mr. SMOOT. As I said the other day, before the Fordney-McCumber Tariff Act went into effect sugar in Cuba sold at $1.67 per hundred. What is it selling for to-day in Cuba?

There is no need of discussing the question of a tariff on sugar at all. I say now that the refiners who control the crop of sugar in Cuba have put the price up from $1.67 per hundred to over $4.75 for 96 per cent sugar. Did the Fordney tariff law have anything to do with it? Not a thing.

Mr. HARRISON. Mr. President, will the Senator from Utah yield to me?

Mr. CUMMINS. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The regular order is the presentation of petitions and memorials.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. WALSH of Massachusetts. I ask that my request be passed upon.

The PRESIDING OFFICER. The Senator from Mississippi desires to make a parliamentary inquiry, and will state it.

Mr. HARRISON. The Senator from Utah [Mr. SMOOT] made a statement, and immediately the regular order is called for. Is it in order for me to say now that I hope when the Senator from Utah shall make his speech defending the present iniquitous rate on raw sugar he will not wait until the last minute, as he did in the last Congress, to make his speech, but will make it early enough to give those of us who opposed the present tariff law an opportunity to reply to it?

The PRESIDING OFFICER. The Chair does not regard the statement of the Senator from Mississippi as a parliamentary inquiry, but his statement, having been made, will appear in the RECORD. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and the communication will be printed in the RECORD.

The communication from the United States Sugar Association is as follows:

UNITED STATES SUGAR ASSOCIATION,
New York, February 23, 1923.

Hon. DAVID I. WALSH,
Senate Office Building, Washington, D. C.

HONORABLE SIR: Inclosed find a review of the effects of the tariff on sugar since the passage of the Fordney-McCumber bill. When the law went into effect the price of refined sugar was 6.25 cents per pound, and it is now 9 cents per pound, or an advance of 2.75 cents per pound. This is the highest price in 40 years, with the exception of five months in 1920 and the average for 1919. This has been due mainly to the 1,200,000 long tons less supplies in Cuba at the beginning of the year than there was at the beginning of last year, and such a situation did not call for a tariff increase to raise the price for the benefit of the domestic beet and other tariff-favored sugar interests at the expense of the American public.

The domestic beet-sugar interests are following all advances in price and selling their product on New York basis plus freight in their immediate territory. They are doing this despite the fact that their costs have not been advanced the same as that of cane refiners, who are obliged to purchase their raw product from day to day at market quotations.

Desire to call your special attention to the fact that the benefit domestic beet-sugar interests derive from the tariff exceeds the price they guarantee the factory, which averages $5 per ton. At 2 cents per ton tariff benefit the beet factories of Colorado obtain $5.22 from a ton of beets; of Idaho, $6.18; Nebraska, $5.35; Utah, $5.62. The only time that the farmer obtains more than the guaranteed price from the factory is when they sell their refined sugar above 5 cents per pound. All of the above benefit to the extent of $2.61, $3.09, $2.67, $2.81 per ton, respectively, on each increase of 1 cent per pound, and give the farmer $1 of this amount, and all of the above increase is paid by the consumer.

While the Cuban tariff rate is 1.7648 cents per pound, it takes 107 pounds of 96 degrees test sugar to make 100 pounds of refined, which makes the tariff cost 1.89 cents per pound instead of 1.7648 cents per pound, and other added expense due to the tariff brings the total cost up to 2 cents per pound. You can appreciate that the actual cost of the tariff is more than the Cuban rate when I inform you that the drawback received on refined sugar exported is 1.88 cents per pound.

The statistics upon which all of the conclusions are based were obtained from the records of the Department of Agriculture or from Truman G. Palmer's "Concerning Sugar," and may be relied upon as not at all exaggerating the position of the domestic beet-sugar interests.

Trusting that you may have an opportunity to confront Senator SMOOT and other high tariff advocates with the result of their legislation and embarrass them to the same extent they were embarrassed when reminded of the high prices brought about by the increased tariff on wool, I beg to remain,

Very truly yours,
M. DORAN,
Assistant Secretary.

EFFECT OF THE TARIFF ON SUGAR SINCE PASSAGE OF TARIFF BILL.

Under the Fordney-McCumber tariff bill the rate of 2.206 cents per pound imposed upon full duty and 1.7648 cents upon Cuban raw sugars, 96 degrees test, are the highest since the general rate of 2.24 cents per pound of the tariff act of 1888. They are even 30 per cent higher than the corresponding rates of 1.685 cents and 1.348 cents per pound of the Payne and exactly 76.48 per cent more than the corresponding rates of 1.256 cents and 1.0048 cents per pound of the Underwood bills. The importations of 450,000 long tons of raw sugar annually from Hawaii, 325,000 from Porto Rico, and 215,000 from the Philippines are duty free; sugar produced within our tariff wall from Louisiana and Texas cane, 215,000 long tons, maple sirup, 2,000 tons, and from domestic beet, 615,000 long tons, annually, avoid the tariff or any special form of tax. As the duty-free and domestic cane-sugar interests sell their product upon the duty-paid Cuban basis, and the domestic beet factories sell their finished product upon the basis of New York refined sugar, which includes the cost of the tariff, at least 1.7648 cents per pound is added to the cost of every pound consumed by the American public.

The United States' annual consumption of sugar is now 5,092,758 long tons of 2,240 pounds each, which is equal to 11,407,776,920 pounds, or 103.18 pounds per capita. Hence, upon the Cuban basis, the tariff costs American consumers a total of $201,324,456 annually, only 60 per cent of which, or $121,000,000, inures to the benefit of the Government as revenue collected from Cuban importations, the balance of 40 per cent, or $80,500,000, being a subsidy to duty-free and domestic sugar interests at the expense of American consumers through the tariff levied upon Cuban importations. But as 107 pounds of 96 degrees test raw sugars are required to make 100 pounds of 100 degrees refined, and the duty on these extra 7 pounds at 1.7648 cents per pound is equivalent to 0.1235 cent per pound more, the direct cost of the tariff is 1.89 cents per pound instead of 1.7648 cents per pound. Refining cost, through loss in weight upon raw sugars stored or in transit before melting, and requirement of additional cash investment are further increased by the tariff increase to at least 0.11 of a cent per pound more, and must be passed on to the consumer. The actual cost of the present tariff averages 2 cents per pound instead of 1.7648 cents per pound, or $2.06 annually to every man, woman, and child in the United States, or a total of $228,155,558.

As it was contended during the course of the tariff debates that increases in the duty on sugar would not result in an increased price to consumers, in fact, a set of statistics graphically prepared having been displayed in the Senate, attempting to show that prices would actually decline if the duty was advanced and that the price of sugar invariably declined when the Louisiana cane and domestic beet crops came on the market, actual experience since the law went into effect September 22, 1922, will demonstrate the exact contrary.

In anticipation of increased cost of their raw product, because of increase of duty, all refiners inserted in their contracts of sale before the law was enacted a special clause to the effect that if there was any increase in the tariff on sugar between the date of the contract and the time of delivery the amount of the tariff increase would be added to the contract price. On September 22, 1922, the price of raw sugar was 3 cents per pound, the duty-paid price of raw sugar 4.61 cents per pound, thus reflecting the tariff rate of 1.60 cents per pound in force at that time. The net price of refined was 6.125 cents per pound, and refiner's margin—being the difference between duty-paid raws and the net refined price, which includes cost of refining, marketing, brokerage, and profit from refining—was 1.51 cents per pound. On September 25, 1922, the first sale of raw sugars under the tariff rate increased from 1.60 cents per pound to 1.7648 cents per pound was transacted with no change in above prices, except that for duty-paid raw sugars, which advanced to 4.77 cents per pound, thus reflecting the increase in the rate of duty imposed. The refiners' margin had declined to 1.355 cents per pound. Due to the spirited and competitive bidding of refiners for the balance of the Cuban crop between above dates and November 27, 1922, the price of raw and refined sugar advanced exactly 1 cent per pound, despite the fact that the Louisiana cane and domestic beet-sugar factories were at the height of their production, and were privileged to enter the market and sell freely in order to stop the advance. Louisiana turned out 239,000 short tons, or 121,000 short tons less than the 360,000 predicted by Senator BROUSSARD, and was mainly disposed of to the American Sugar Refining Co., at New Orleans, at the highest prices asked for duty-paying raw sugars. Her production, therefore, as compared with our total annual consumption of 5,703,000 short tons, was too insignificant and inconsequential to have any effect upon the price. Domestic beet-sugar production had dropped to 691,000 short tons from 1,090,000 short tons in 1920, and 1,020,000 short tons in 1921, or to less than it had been in 12 years, because the beet-sugar farmers refused to raise beets at the prices offered by the factories. As the latter only produced enough to supply the needs of local consumption, they confined their offers and sales to immediate territory in order to take full advantage of the freight protections they enjoy over cane refiners, ranging from 1 cent to 1½ cents per pound, and which they add to the price of their product to local consumers, as well as the cost of the tariff. Between August 1 and December 27, 1922, these factories produced 683,603 short tons and disposed of only 205,823 short tons, as their carry over into 1923 is 477,780 short tons, or more than two-thirds of their production. They therefore did not rush into markets where they came into competition with cane sugars and valiantly come to the rescue of consumers, as their advocates contended, but sought to take full advantage of the protection, freight, and tariff offered them, as well as conditions of supply and demand, although the prices prevailing averaged more than 2 cents per pound above the same period in 1921.

During all of this advance the price of raw sugar reflected the increase in the tariff, and refiners' margin was less than it was before the increase took effect, thus demonstrating that refiners did not take advantage of the situation to increase their margin of profit, as contended by the beet-sugar advocates. This development was the culmination of tariff discriminations against Cuba for a year and a half, which forced her to sacrifice her surplus production. As a result, her surplus in 1922 (September) was 400,000 long tons, as compared with 1,500,000 long tons in 1921, to supply our needs during the three months pending receipts from her new crop. Attention was called to this situation during the course of the Senate debates as an unanswerable argument for a reduction instead of an increase in duties, but was entirely ignored.

There was no relief from this advance until the advent of the new Cuban crop, which began to make its influence felt on December 14, forcing a decline from 7.25 cents to 7.10 cents per pound, and further declines until the price reached 6.50 cents per pound on January 27, 1923. Production of new crop Cuban sugars up to this date had been 675,000 long tons, as compared with 354,000 the year previous, and exports to 306,000 long tons, as compared with 68,000 long tons in 1921. Thus Cuba was the usual dependable reservoir of sugar supplies for the relief of American consumers in the absence of consideration by domestic tariff-favored interests.

This decline, however, proved temporary. By February 1 the price of refined had advanced to 6.70 cents per pound, owing to the increase in the price of duty-paid raw sugars from 5.09 cents to 5.28 cents per pound, and on February 8 to 7.25 cents per pound, on account of the further increase on duty-paid raws to 5.78 cents per pound. On February 8 the United States Department of Commerce issued a misleading statement tending to show that there was a world's prospective shortage in production over consumption of 725,000 tons, and on the same date Gume-Mejer, a leading authority on Cuban conditions, reduced his estimate of the Cuban 1923 crop from 4,193,500 long tons to 3,800,000 long tons. As a result there was wild speculation in raw sugars, which

at one time forced the price of duty-paid sugars as high as 7.22 cents. Between February 12 and February 15, when the prices of duty-paid raw sugars on the New York Sugar Exchange were fluctuating between 5.78 cents and 7.22 cents per pound, the refiners did not advance their prices of refined, but withdrew from the market, and did not again quote prices for refined sugar until the afternoon of February 15, at an advance to 8.25 cents per pound; because the price of duty-paid raws had then become fairly steady between 6.78 cents and 7.03 cents per pound. Refiners did all in their power to discourage this advance, but were obliged to follow the raw market. Although domestic beet-sugar factories have not had their costs advanced by the fluctuations which affected cane refiners, they have advanced the price of their product to 8.25 cents per pound, New York basis. Thus the price of sugar has advanced exactly 2 cents per pound since the tariff law went into effect, more than ever emphasizing that there was no occasion for an increase in the tariff when the sugar market was so sensitive to the least influence on account of threatened scarcity of supplies.

As the burden fell upon consumers on account of the failure of these two contentions, let us determine who profited by the increase in tariff subsidy.

According to the authority of the United States Department of Agriculture, the United States average price paid beet farmers by beet factories in 1919 was $11.74 for a ton of beets averaging 246.8 pounds of refined sugar, and, in 1920, $11.63 for a ton of beets averaging 272.6 pounds of refined sugar, or an average for the two years of $11.685 for a ton of beets averaging 259.7 pounds of sugar under a tariff rate of 1 cent per pound, while the average paid in 1921 was $6.32 for a ton of beets averaging 275.2 pounds of refined sugar, under a tariff rate of 1.6 cents per pound, and, in 1922, $5.65 for a ton of beets averaging 263.4 pounds of refined sugar, under a tariff rate of 1.7648 cents per pound, or an average for the past two years of $5.985 for an average of 269.3 pounds of refined sugar under an average tariff rate of 1.6814 cents per pound. Hence the farmer averaged $5.70, or 51.2 per cent less for a ton of beets averaging 9.6 pounds more refined sugar in 1921 and 1922, under an average tariff increase of 68.14 per cent, than he averaged for 1919 and 1920 from the beet factories. The United States average price paid beet farmers by beet factories during the whole period of the Underwood bill, 1914 to 1921 inclusive, was $8.286 for a ton of beets averaging 271.3 pounds of refined sugar, or an average of $2.30 more than the average of 1921 and 1922 under tariff rates of 68.14 per cent higher.

A comparison of above years in the States of Colorado, Idaho, Nebraska, Utah, and Wisconsin, wherein 65 per cent of the domestic beet sugar is produced, will reveal even more startling contrasts:

Colorado: Average price of $11.36 for an average of 253.1 pounds of sugar for 1919 and 1920; average price of $5.795 for an average of 260.8 pounds of refined sugar for 1921 and 1922, or an average of $5.57 less for a ton of beets averaging 7.9 pounds more sugar than in 1919 and 1920; average, 1914–1921, $8.23 for a ton of beets averaging 266.3 pounds of sugar, or $2.66 more for a ton of beets averaging 5.5 pounds more sugar than the average for 1921 and 1922.

Idaho: Average price of $11.55 for an average of 272.3 pounds of sugar for 1919 and 1920; average price of $5.75 for an average of 309 pounds of refined sugar for 1921 and 1922, or an average of $5.80 less for a ton of beets averaging 36.7 pounds more sugar than the average price for 1919 and 1920; average, 1914–1921, $8.05 for a ton of beets averaging 279.5 pounds of sugar, or an average of $2.30 more for a ton of beets averaging 29.5 pounds less sugar than the average for 1921 and 1922.

Nebraska: Average price of $11.43 for a ton of beets averaging 243.5 pounds of sugar in 1919 and 1920; average price of $5.785 for a ton of beets averaging 267.4 pounds of sugar for 1921 and 1922, or an average of $5.645 less for 23.9 pounds more sugar in 1921 and 1922 than the average for 1919 and 1920; average, 1916–1921, $9.24 for a ton of beets averaging 253.6 pounds of sugar, or an average of $3.455 more for a ton of beets averaging 13.8 pounds less sugar than for 1921 and 1922.

Utah: Average price of $11.50 for a ton of beets averaging 240.1 pounds of sugar for 1919 and 1920; average price of $5.275 for a ton of beets averaging 280.9 pounds of sugar for 1921 and 1922, or an average of $6.225 more in 1919 and 1920 for a ton of beets averaging 40.8 pounds less sugar than the average for 1921 and 1922; average, 1914–1921, $7.925 for a ton of beets averaging 257.1 pounds of sugar, or an average of $2.65 more for a ton of beets averaging 29.8 pounds less sugar than the average for 1921 and 1922.

Wisconsin: Average price of $11.11 for a ton of beets averaging 224.9 pounds of sugar for 1919 and 1920; average price of $6.475 for a ton of beets averaging 235.8 pounds of sugar for 1921 and 1922, or an average of $5.635 more in 1919 and 1920 for a ton of beets averaging 10.9 pounds less sugar than the average for 1921 and 1922; average, 1916–1921, $9.42 for a ton of beets averaging 238.8 pounds of sugar, or an average of $2.945 more for an average of 3 pounds more sugar than the average of 1921 and 1922.

From a consideration of the above it is apparent that the farmer has suffered an average reduction in price of over 50 per cent while the tariff on sugar was being increased an average of 68.14 per cent, although he has to pay for the increased price of sugar along with the 110,000,000 consumers.

As the United States average of refined sugar obtained by the beet factory from a ton of beets in 1922 was 263.4 pounds, and the tariff adds 2 cents to the value of every pound of sugar sold by the factory, the total benefit derived by the factory from a ton of beets purchased from the farmer at an average of $5.65 amounts to $5.27. Even the increase in the tariff from 1 cent per pound to 1.7648 cents per pound increases the profits of the factory $2.01 per ton, yet they are paying 51.2 per cent less than under a tariff rate of 1 cent per pound, and the only prospect the farmer has of gaining would be in the event the average price received by the factory would be well over 5 cents per pound. The only obligation there is on the part of the factory to the farmer is to pay him a guaranteed price, ranging from $5 to $5.50 per ton. If the price received by the factory exceeds 5 cents per pound, it is the consumer who must pay the farmer $1 more per ton for each 1 cent advance and the factory $1.63 more profit. The increased price to the farmer is not paid by the factory. In contrast, in 1912 the beet factory paid the beet farmer $5.82 per ton and in 1913 $5.69, and the average New York price for refined during 1912 was 5.041 cents per pound and in 1913 4.278 cents per pound, as compared with present prices of 8.25 cents per pound. The beet factory is therefore averaging over 3½ cents per pound more at the present time than the average for 1912 and 1913 and paying the farmer less for a ton of beets. The following are the amounts, by States, to which beet-sugar factories benefit through the present tariff cost of 2 cents per pound and the increase in tariff from 1 cent to 1.7648 cents:

State.	Pounds from ton of beets.	Tariff benefit, 2 cents per pound.	Tariff benefit increase from 1 cent to 1.7648 cents per pound.
Colorado	260.8	$5.22	$1.99
Idaho	309.0	6.18	2.36
Nebraska	267.4	5.35	2.04
Utah	280.9	5.62	2.15
Wisconsin	235.8	4.71	1.80

For every 1 cent rise above 5 cents per pound received by the beet factory for refined sugar the farmer receives $1 per ton more from the factory; yet the beet factories of Colorado, Idaho, Nebraska, Utah, and Wisconsin extort the sums of $2.61, $3.09, $2.67, $2.81, and $2.36 per ton more, respectively, from the consumer on every 1 cent rise in order to pay the farmer $1 more.

The farmer was exploited for the benefit of the beet factory before Congress, and now finds himself ignored by the chief beneficiary of the tariff. Owing to the low prices prevailing for oats, wheat, corn, potatoes, and alfalfa in the fall of 1920 and spring of 1921, the beet factories took advantage of the desperate plight of the farmers and induced them to enter into a new form of contract for their beets, based upon the average price received by the factories for refined sugar during the year, which was, in effect, a minimum guaranty by the factory of $5 per ton for beets averaging 15 per cent sugar content, with an increase of $1 per ton for every 1 cent advance over 5 cents per pound, based upon the New York price quoted by Willett & Gray. In selling to their local consumers the beet factories charge the New York price plus the cost of freight from New York, which averages 1 cent to 1½ cents per pound of sugar. But in paying the beet farmer they adopt the New York price without the freight charge, which would mean $1 to $1.50 per ton more. As the average price received by the factory for the year 1921 was low and the average price received by the farmer only $6.32, he found he had actually raised his crop at a loss, after deducting cost of beet seed, freight, tare, and expenses of cultivation. Moreover, he was obliged to wait a year after delivery of his beets to obtain final settlement, and under the stress of his obligations was obliged to dispose of his rights at a sacrifice to speculators. In 1922 thousands of beet farmers refused to raise beets in accordance with this speculative form of contract, as a result of which domestic beet-sugar production fell from 1,020,000 short tons in 1921 to 691,000 short tons in 1922—a falling off of 329,000 short tons, or to the lowest production in 12 years. The average price paid the beet farmers by beet factories in 1922, according to Weather, Crops, and Markets, published by the United States Department of Agriculture, issue of December 23, 1922, was $5.65 per ton, or an average of 67 cents per ton less than in 1921. Driven to desperation by the treatment inflicted on them by the beet factories in taking advantage of their general plight and refusing to share any of the tariff benefits conferred by Congress for the benefit of all engaged in the beet-sugar industry, delegations of farmers have appealed to the Tariff Commission in the hope that this body can force the beet factories to share with the beet farmers a division of their profits through the tariff. Under the sliding scale form of contract, the factory obtains an average of 263.4 pounds of sugar for an average price of $5.65. For each 1 cent per pound advance over 5 cents per pound received by the factory for the sale of its product, the farmer receives $1 out of the $2.634 extorted from the consumer by the factory; thus the factory profits to the extent of $1.634 every time the farmer profits $1, and every time sugar advances 1 cent per pound the farmer has to pay the factory $1.03, as the total per capita consumption is now 103.18 pounds of sugar per annum; and if a farmer's family averages five persons, he must pay the factory a tribute of $5.15 per annum every time sugar advances a cent a pound. The tariff itself costs the farmer 2 cents per pound of sugar annually, which would add another $2.06 tribute to the factory by him, and for his family of five $10.30. The unfair and extortionate part of the contract is that the 110,000,000 consumers of this country must pay for the increased price due to the tariff and other arrangements, and the beet-sugar factory does not stand to lose in bargaining with the farmer upon the price-increased basis, because the consumer pays the increase.

One hundred thousand beet farmers are engaged in the cultivation of sugar beets and in 1922 produced 5,243,000 tons from 537,000 acres of land. Each farmer, therefore, averaged 52.43 tons from an average of 5.37 acres. At the average price of $5.65 per ton, 100,000 farmers received from the factories $29,622,950 for their beets, and each farmer received $296.23. But as the cost of beet seed averaged 41 cents per ton, freight averaged 60 cents per ton and tare averaged 24 cents per ton, and must be deducted from the farm price of $5.65 received from the factory, the net price received by the farmer for his beets would average $1.25 per ton less, or $4.40 per ton, which would make the net amount received by 100,000 farmers $23,069,200, or an average of $230.69 per farmer. One hundred thousand farmers consume 10,300,000 pounds of sugar on the basis of 103 pounds per capita, which costs them 2 cents per pound because of the tariff, or $206,000, and for a family of five, $1,030,000. Each cent advance in the price of sugar costs these farmers $103,000 per annum more, and an average family of five $515,000 more. With sugar retailing at an average price of 10 cents per pound in their several districts, these 100,000 farmers pay $5,150,000 per annum for sugar for an average family of five persons. As there are 36,000,000 persons engaged in farming, or in farming occupations, according to the authority of the Bureau of the Census and Department of Agriculture, who consume 3,708,000,000 pounds of sugar, each cent advance in price costs all of this class $37,080,000 per annum. The tariff of 2 cents costs them $74,160,000 per annum, making the total of the two $111,240,000. So 100,000 farmers receive $23,069,000 from the beet factories, out of which they must expend $5,150,000 for the sugar which they furnish, while their brethern are compelled to pay $111,240,000 more per annum, and 110,000,000 consumers over $228,000,000 per annum in order to enable them to obtain an average farm price of $5.65 from the factories for their beets. There is no evidence from the above

that the beet farmers profit even in the remotest degree from the increase in the tariff.

Following is the production of beet sugar and consumption of sugar by States:

State.	Population.	Production.	Production.	Consumption, 103 pounds per capita.	Production, surplus.	Production, deficit.
		Short tons.	*Pounds.*		*Pounds.*	*Pounds.*
California	3,426,861	72,000	144,000,000	353,000,000		209,000,000
Colorado	939,629	183,000	366,000,000	97,000,000	269,000,000	
Idaho	431,866	41,000	82,000,000	44,500,000	37,500,000	
Indiana	2,930,544	3,000	6,000,000	302,000,000		289,000,000
Iowa	2,403,630	10,000	20,000,000	248,000,000		228,000,000
Kansas	1,769,257	8,000	16,000,000	182,500,000		166,500,000
Michigan	3,667,222	85,000	172,000,000	388,000,000		216,000,000
Minnesota	2,386,371	7,500	15,000,000	246,000,000		231,000,000
Montana	547,593	20,000	40,000,000	56,400,000		16,400,000
Nebraska	1,296,372	85,000	170,000,000	133,600,000	33,600,000	
Ohio	5,750,368	27,000	54,000,000	593,000,000		539,000,000
Utah	449,446	118,000	236,000,000	46,000,000	190,000,000	
Washington	1,356,316	3,600	7,200,000	140,000,000		132,800,000
Wisconsin	2,631,839	10,000	20,000,000	271,100,000		251,000,000
Wyoming	194,402	17,000	34,000,000	20,000,000	14,000,000	
North Dakota	645,730			66,600,000		
South Dakota	635,839			65,500,000		
Oregon	783,389			81,000,000		

From the above it will be observed that the States of California, Indiana, Iowa, Kansas, Michigan, Minnesota, Montana, Washington, and Wisconsin have produced much less than they consume, and therefore the beet production could be marketed in these States to the full advantage of the freight rates. The surplus of Utah and Idaho amounts to 227,500,000 pounds and could be marketed to advantage over other competitors with full freight charges in the States of Washington, with a surplus consumption of 132,800,000 pounds; Oregon, with a consumption of 81,000,000 pounds; and Montana, with a surplus consumption of 16,400,000; or a total of 230,000,000 pounds. The surplus of Colorado, of 269,000,000, and of Wyoming, 14,000,000 pounds, or 283,000,000 pounds, could be marketed to advantage over cane competitors in the States of Kansas, with an excess of consumption over production of 166,500,000 pounds; South Dakota, 65,000,000; North Dakota, 66,600,000 pounds; or 298,600,000 pounds; and the Nebraska surplus of 33,600,000 pounds could be marketed to advantage in Iowa, with a surplus of consumption over production of 228,000,000 pounds. As the prices prevailing for sugar in the States of Colorado, Idaho, Utah, and Wyoming, where most of the beet sugar is produced, are the highest in the whole United States and the prices in the States which they supply with their surplus relatively higher than the States supplied with cane sugar, it is evident that they receive sufficient protection and additional profit from the freight advantage they enjoy without the added protection of the tariff of 2 cents per pound. For example, when the price of refined cane sugar is 9 cents per pound in New York, the price of beet granulated is 11 cents per pound in Denver, Colo., and Salt Lake City, Utah, and 10.33 cents per pound in Billings, Mont., 10.85 cents per pound in Boise City, Idaho, and relatively higher at more remote points in these various States. The freight protection, therefore, averages between 1 cent and 1.84 cents per pound, which the beet factories add to the price at the expense of American consumers, as well as the tariff cost of 2 cents per pound.

While the tariff works out to the detriment of the farmer, the benefit derived through it and freight protections may be judged from the prosperity of the domestic beet-sugar companies since the passage of the act. In accordance with financial statement issued November 30, 1922, the Great Western Sugar Co., operating 16 factories in Colorado, Nebraska, Montana, and Wyoming, had a surplus of $22,924,501, of which $9,366,898 was cash. Sugar unsold was inventoried at cost for $10,478,674. As it costs no more than 4 cents to produce and may be sold for the average price of 8 cents, the value of this sugar is approximately $11,000,000 above the inventoried value. Since organization in 1905 this company has paid for the construction of seven additional beet-sugar factories, located at Scottsbluff, Bayard, Mitchell, and Gehring, Nebr.; Billings, Mont.; Brighton, Colo.; and Lovell, Wyo., with a total daily slicing capacity of 8,700 tons out of earnings. As the cost of a beet factory is estimated upon the basis of $1,500 per ton of daily slicing capacity, the value of these plants constructed out of earnings amounts to $12,750,000. Besides, this company has paid 7 per cent on its preferred stock since organization and the following dividends on its common stock: 1910 to 1915, 5 per cent; 1916, 7 per cent cash, stock dividend of 42 per cent; 1917, 37 per cent; 1918–1920, 47 per cent; 1921, 17½ per cent. Dividends on the common, in order to affect tariff legislation, were suspended in October, 1921, and not resumed until December, 1922, at the rate of 16 per cent per annum, although the company had a cash surplus on hand May 31, 1922, of $6,940,555, or sufficient to pay more than 50 per cent on the $13,000,000 worth of common stock outstanding. This common stock is now quoted at $350 per share, par valuation being $100 per share. The company also owns the Great Western Railway Co. and several lime quarries, conservatively estimated value, $5,000,000, all paid for out of earnings. It produces 40 per cent of the domestic beet sugar, yet this company paid the beet farmer but $6.15 per ton for beets in 1921 and has paid the beet farmer but $6 in 1922. These profits have been made under the protective tariff rate of 1.348 cents per pound from 1905 to 1914, 1 cent per pound from 1914 to 1921, 1.60 cents per pound in 1921, and 1.7648 cents per pound in 1922. The enormous profits shown above clearly demonstrate that they have monopolized all of the benefits of the tariff and shared none with the beet farmer. It was about the treatment received from this particular company that the beet farmers complained so bitterly to the Tariff Commission.

The Utah-Idaho Co., which had notes payable of $9,000,000 at the end of February, 1922, had liquidated its indebtedness by October 14, 1922, out of earnings from sales of sugar. This company paid their farmers $5.59 per ton for beets in 1921, and have so far paid them $5.75 in 1922.

From Facts About Sugar, issue of December 30, 1922, at page 542:

WEST BAY CITY DIVIDENDS.

"BAY CITY, MICH., December 25.—A stock dividend of 400 per cent has been declared by the West Bay City Sugar Co., increasing the authorized capitalization from $200,000 to $1,000,000. This is the first additional stock issue made since the company was organized, 25 years ago, at which time a bond issue was put out to meet the cost of plant construction in excess of the $200,000 provided for. Since that time bonds have been retired and several hundred thousand dollars have been spent in improvement, all coming out of earnings, while some large dividends have also been paid. The new stock issue is being made to transfer assets representing plant investment, and carried as surplus to the stock account. The stock of the company is practically all held by the president, M. J. Bally and members of his family, the heirs of the late Charles J. Smith, and the heirs of the late John M. Kelton, all three of whom are among the original incorporators."

Thus, domestic beet-sugar companies are capitalizing the tariff and absorbing all of the profits derived through it without sharing any of the benefits with the beet farmer, who finds himself now raising sugar beets at a loss.

From Facts About Sugar, issue of January 27, 1923, at page 73:

HAWAIIAN CAPITAL INCREASES.

"HONOLULU, January 8.—From November 15 to December 31, 1922, notices of increases in capital stock were filed with the territorial treasurer by 48 Hawaiian corporations, the total increases amounting to $31,315,000. Among the corporations increasing their capital were Castle & Cook, sugar and shipping agents, from $2,500,000 to $5,000,000, 100 per cent; Inter-Island Steam Navigation Co., from $3,500,000 to $5,000,000, 43 per cent; Hawaiian Pineapple Co., from $4,000,000 to $6,000,000, 50 per cent; Onomea Sugar Co., from $2,000,000 to $2,500,000, 25 per cent; Olawalu Co., sugar, from $250,000 to $400,000, 60 per cent; Hilo Sugar Co., from $1,000,000 to $2,000,000, 100 per cent; Pepeeko Sugar Co, from $750,000 to $1,500,000, 100 per cent; Honomu Sugar Co., from $750,000 to $1,250,000, 66⅔ per cent; Hawaiian Mill & Plantation Co., from $300,000 to $900,000, 300 per cent; and C. Brewer & Co., from $4,000,000 to $8,000,000, 100 per cent."

Thus, Hawaiian sugar interests and companies dependent upon them for their prosperity are capitalizing profits derived through the tariff. The former have adopted the ingenious method of increasing their issues of capital stock as their tariff profits increase, thus managing to conceal the enormous amount of such profits. In some instances, the capital is inflated four times beyond the actual investment. Even upon this inflated stock, Hawaiian companies are in the habit of paying dividends at the rate of 1 per cent per month, as their profits accumulate so rapidly. Moreover, some operate their own refinery at Crockett, Calif., and profit from refining as well as production of raw sugar. The balance of the sugar companies are controlled by the Western Sugar Co. of San Francisco, and all of their product is refined there. As the price of refined sugar at San Francisco averages one-half cent per pound above the New York price, although all sugar entering San Francisco is duty free, and all entering New York is sold on the duty-paid basis, Hawaiian interests have an advantage of one-half cent per pound in the disposal of their refined product on the Pacific coast by shipping to San Francisco instead of New York, they also save 15 cents per hundred pounds in freight. Thus they have a net advantage over Atlantic coast refiners, through a tariff rate of 1.7648 cents per pound, one-half cent higher cost for refined, and a saving of 15 cents per hundred pounds in freight, or 2.4148 cents per pound, on account of prohibitive freight rates against the latter. Even if the surplus of Hawaiian cane refined is shipped to Chicago, the freight rate is 85 cents per hundred pounds as compared with a rate from New York of 54 cents per hundred pounds, or only 31 cents per hundred pounds more, which leaves Hawaiian sugar interests with a net advantage of 1.4548 cents per pound. All of the above considerations account for their abnormal prosperity through the present high tariff rate.

The following special and increased dividends have been paid by various sugar companies of Hawaii since the passage of the tariff bill:

Honomu Sugar Co., September, 3 per cent special, increased from one-half of 1 per cent to 1 per cent per month; December, 4 per cent special; stock dividend of 66⅔ per cent.

Pepeeko Sugar Co., September, 5 per cent special; December, 3 per cent special, regular 1 per cent per month; 100 per cent stock dividend.

Onemea Sugar Co., September, 3 per cent special; December, 5 per cent special; resumed 1 per cent per month regular dividend; 25 per cent stock dividend.

Ewa Plantation Co., October, 2 per cent special; November, 2 per cent special; December, 5 per cent special; regular 1 per cent per month paid since May, 1922.

Oahu Sugar Co., October increased dividend from one-half of 1 per cent per month to 1 per cent per month.

Wailuku Sugar Co., and Maui Agricultural Co., November 18, 1922, increased dividend at rate of 1 per cent per month; not having paid any other dividends in 1922.

Castle & Cook, agents for Ewa Plantation Co., Kouala Sugar Co., Waialu Agricultural Co.; December paid regular dividend of 2 per cent per month and stock dividend of 100 per cent, increasing capital to $5,000,000.

Brewer & Co., agents for 14 Hawaiian companies with a combined capitalization of $22,000,000; December, 2 per cent per month regular dividend, 100 per cent stock dividend. Increasing capital from $4,000,000, to $8,000,000.

PORTO RICO.

Since the passage of the tariff law, local brokers have been continually distributing circulars calling attention to the fact that Porto Rican raw-sugar companies have been benefited to the extent of $5.50 per bag of 320 pounds by the tariff levied upon imports of sugar and advising their clients to invest. This affords another example of capitalizing the tariff.

CLASS OF LABOR FOR WHICH TARIFF PROTECTION IS REQUESTED.

As "Protection to American labor" was one of the chief slogans and pretexts indulged in by high-tariff advocates in defense of the present high tariff on sugar, let us call attention to the class of labor employed in the domestic and tariff-favored sugar industry.

In Hawaii over 95 per cent of the labor in the sugar industry consists of Japanese, Chinese, and Philippine immigrants, and Hawaiian sugar interests are now endeavoring before Congress to obtain special legislation to allow them to import Chinese coolies to relieve the preponderance of Japanese influence in the islands. They prefer the

Chinese to any other nationality, principally because they will work for less, and their present labor elements are not satisfied with the present wages paid in proportion to the sugar companies' profits. Japanese, Mexican peons, and some Hindus constitute the labor in the domestic beet industry of California; Mexicans, Japanese, Russian-Germans, and children prevail in Utah, Idaho, and Colorado; Russian-Germans and the surplus foreign-labor supply of the larger cities, comprise the labor employed in the rest of the States. This class of labor is usually rounded up and contracted for by the agents of the factory and furnished to the farmer upon the basis of so much per acre of beets. They are the cheapest kind and class of labor that can be secured and not of the high-class American standard for which protection should be demanded.

From Sugar, issue of December, 1922, at page 679:

MICHIGAN LABOR TROUBLES.

"BAD AXE, MICH., October 29.—During the beet-harvesting season which is now progressing, Huron County beet growers are experiencing difficulty in harvesting their crops. Early in the year a number of foreigners were brought into the local fields to take care of the work, but many of them broke their contracts and returned to their locations. Frank Thornton, in charge of former Gov. Albert E. Sleeper's beet farm, was left with 40 acres of beets to harvest without help. A number of Walpole Indians were brought to the farm, but the majority of them left after one or two days."

From the American Child, published monthly by the National Child Labor Committee, 105 East Twenty-second Street, New York, issue of December, 1922, under heading:

NOTES FROM OUR INVESTIGATORS.

"In Utah we found that some rural schools were closed on account of beet-field needs. Think of it! In the rich beet-field districts through which the Denver & Rio Grande Railroad passed that was the situation.

"Child labor conditions in the Finney County, Kans., beet-sugar districts are more deplorable than those in any other section of the State, according to Miss Alice K. McFarland, head of the welfare division of the industrial court. 'It is a common thing to see little tots with long, sharp knives cutting tops from beets. In many cases they work from 6 o'clock in the morning until nearly dark, with only a short stop for lunch.'" (Topeka (Kans.) Capital, October 26, 1922.)

Yet Senator SMOOT testified before the Senate Finance Committee that the opportunities offered by the beet-sugar industry of Utah to the child for work in the beet fields was a perfect godsend to them.

CHILDREN WORKING IN BEET-SUGAR FIELDS IN COLORADO.

"The United States Department of Labor, through the Children's Bureau, has just issued some preliminary figures regarding the findings in the study of children who work in the beet fields, one of a series of studies which the Children's Bureau is making of the work of children on farms. The study covers part of Weld and Larimer Counties in Colorado, and included 1,077 children 16 years of age who did beet-field work. While some of the beet growers plant small acreages and depend upon their own families to do the handwork which is involved, the great majority hire contract laborers for the handwork. Over seven-tenths of the working children were children of the contract laborers. In the area studied in Colorado four-fifths of the laborers were resident; that is, they lived in towns near the beet fields, moving out to the farms in the spring and returning to their homes after the harvest. About 70 families, however, were those of transient laborers, recruited by the sugar companies, often from distant parts of the country. Many of them were attracted to the beet-growing areas by the fact that the whole family could work in the beet fields. Children thinned out the small beet plants in the spring, hoed, and pulled up the beets and 'topped' or cut off the beet tops at harvest. They worked at very early ages. Over one-fourth of them were under 10 years old, a small percentage under 8. Less than one-fifth were as much as 14 years old. Considerably over half were from 9 to 13 years of age. Physically, the most harmful feature of the work probably lies in the long hours. From 69 to 85 per cent, according to the process in which the child was engaged, worked nine hours or more a day. From more than one-seventh to one-third (again varying with the process) worked 11 hours or more. Thinning and blocking in the spring and pulling and topping in the autumn are both done under more or less pressure; the first process must be done before the beet plant grows too large; the second before severe frosts occur. Hoeing is done in a more leisurely way during the summer, but it is the spring and fall processes in which the younger children are more generally used. The average working day for all processes was between 9 and 10 hours. Postural deformities and malpositions, apparently due to strain, were shown by 70 per cent of more than 1,000 of the beet-working children who were examined by a physician of the Children's Bureau. The continual stooping when engaged in 'thinning' and the lifting and hauling of heavy weights in 'topping' are believed to affect the growing child's body unfavorably.

CHILD LABOR IN MICHIGAN BEET INDUSTRY.

A recent report of investigation by the National Child Labor Committee of the employment of children in the beet industry of Michigan discloses that there were about 10,000 children between the ages of 6 and 16 employed and that the working hours varied between 9 and 13; that they were employed in thinning and hoeing, as well as pulling and topping the beets; that they were usually the children of parents of Slavic origin, with an average family of 10, and that the class of labor employed was recruited from the larger cities of 14 different States; that the average earnings of a man and wife when working alone was about $14 per acre per season, and that for each additional child employed the earning capacity was increased $7 per acre per child; that this class of labor was furnished to the farmer by the agents of the beet factories on the basis of about $18 per acre, and that this class of labor generally rented from or had furnished them the house and quarters they lived in by the factories; that two very disastrous fires had occurred in Saginaw County during the past season; that the effect of this employment on children was to interfere with their proper education, retard their normal growth, and undermine their general health. On account of the actual shortage of labor prevailing during the past year and the prospect of an increase in acreage in Michigan for 1923, the employment of child labor is apt to be resorted to on even a larger scale.

LOUISIANA.

Practically all field labor in the sugar industry of Louisiana are colored—men, women, and boys—a few Creoles, Cajuns, and Italians. The rate of wages is so low that negroes are migrating North because of higher wages. It is estimated that 5,000 have turned trappers, thus creating a shortage. The American Cane Sugar League is trying to induce the railroads to import Mexican peons to take the place of negroes, so that they may be released for work in the sugar industry. The Louisiana Planter, the organ of the Louisiana sugar interests, advocated the employment of Italian immigrants as most desirable and has gratuitously advised Cuba to import Italians as a solution of her labor problems.

The attitude of the cane-refining industry toward the tariff may be easily and simply explained. The tariff adds 1.7648 cents per pound to every pound of raw sugar they must purchase for the purpose of refining. It takes 107 pounds of 96 degrees test raw sugar to make 100 pounds of refined, making the direct cost of the tariff 1.89 cents per pound. This averages more than 50 per cent of the cost of the raw sugar. Thus they are compelled to tie up one-third of their investment in a tariff tax which produces no income. The result of this is to add 2 cents to the cost of every pound of sugar they produce, which must be passed on to the consumer. This additional cost leads to reduced consumption, and a refiner depends upon volume of business for his profits, as the margin of profit is so small. Past experience has proved that the refiners have always given consumers the benefit of tariff reductions, and they can always afford to do so, on account of correspondingly reduced costs, in order to promote volume of sales. This is not philanthropy; this is good business. The lower the costs, the larger the sales and the more profit. At present they supply 85 per cent of the sugar consumed by the American public, as compared with 15 per cent supplied by the beet-sugar interests. The inducement they offer to the consumer is a price of 2 cents less if the tariff is removed, and a reduction in price corresponding to a reduction from present high-tariff rates. Their product reaches every small hamlet in the United States, despite the disadvantages under which they are obliged to compete with beet-sugar interests, as they manufacture several grades that the public demand, and beet-sugar factories turn out only fine granulated sugar and distribute it only in 100-pound bags.

Sixty per cent of the sugar consumed by the American public is furnished by Cuba. American capital has invested over $1,000,000,000 in the development of the Cuban sugar industry. This has been done upon the faith of a benevolent rather than a hostile attitude of the United States toward Cuba. Under present circumstances Cuba receives no benefit from the 20 per cent preferential treatment accorded upon all sugars sold in the United States upon the Cuban duty basis instead of the full duty basis or a world's price that would give Cuba a 20 per cent advantage. On the other hand, American exports to Cuba receive a preferential ranging from 20 per cent to 40 per cent over other nations, and the United States is continuing to benefit at the expense of Cuba. In 1920 our commerce with Cuba amounted to $518,000,000, which included agricultural products, $60,000,000; automobiles and parts, $10,000,000; boots, shoes, and leather products, $17,000,000; cotton, cloths, and clothings, $30,000,000; lumber, $9,000,000; railroad equipment, $10,000,000; steel and machinery, $25,000,000. Exports for 1922 have fallen to $125,000,000 due to business depression brought about largely through tariff discrimination. A year ago there was an attempt made by domestic and tariff favored sugar interests to force Cuba to limit her production of her 1922 crop to 2,500,000 tons and restrict her imports into the United States to 2,000,000 tons in consideration of a tariff rate of 1.40 cents per pound. As she refused to enter into any such conspiracy that would mean no less than extortionate prices to American consumers, she was penalized through the representatives of these tariff interests in Congress by a tariff duty of 1.7648 cents per pound instead of 1.40 cents per pound. She produced 4,000,000 long tons, or 1,500,000 long tons in excess of this conspiracy limit, and imported into the United States 3,954,812 long tons, of which 850,000 were refined and exported, thus supplying 3,104,812 long tons for United States consumption, or 1,104,812 tons in excess of the amount fixed as the price of 1.40 cents per pound tariff rate. In view of the sugar shortage that developed in the fall and the rise in price of refined to 7.25 cents per pound, even with these supplies a sugar famine would have prevailed over the world instead of a mere shortage in the United States during the last few months, and the American public would have been struggling to buy sugar at 50 cents per pound had not Cuba displayed the courage to resist this legislative bribe. Instead of being rewarded for this display of courage and independence that was the salvation of the sugar situation which resulted so advantageously to the American public, she is still suffering from the consequences through a punitive tariff rate imposed by the representatives of special domestic sugar interests.

Present rates of tariff can not be justified by comparisons with other countries because most impose them in order to raise revenue to defray their enormous war obligations. For example, England imposes a rate of 4.020 cents per pound upon 96 degrees test sugars and 4.835 cents per pound upon refined, but solely for the purpose of raising revenue as she produces no sugar. Her tax, therefore, amounts to a consumption tax, as she imports all surgar she consumes and the Government derives the enormous benefit from the tariff levied. Prior to the late war her import tax was forty one-hundredths of a cent per pound. The revenue derived in 1922 from imports of sugar and molasses was £41,563,329, as compared with a little over £3,000,000 in 1913. Every English family which averaged 4½ persons contributes £4 per annum to the Government. If the United States levied a consumption tax instead of a tariff tax, the Government would collect annually $201,000,000 instead of $121,000,000, and the price of sugar would be no higher. If the present tariff rate was changed to a consumption tax rate of 1 cent per pound, the Government would collect $110,000,000 annually, and the price would be 1 cent per pound less to the consumer. For the purpose of raising revenue the United States is the only Nation in the world that does not tax its domestic as well as its imported sugar. In order to raise revenue to meet the enormous obligations of our Government and make up present deficiencies a change from a tariff to a consumption tax basis on sugar would seem to be in order as more practical and scientific, because the revenue to the Government would be increased $110,000,000 per year and would increase as consumption increased. At present the more domestic beet and tariff favored production increases the less revenue the Government derives, and the advantages that tariff-favored sugar interests now enjoy over Cuba in the way of freight rates and interior location would be sufficient to enable them to prosper without any tariff protection whatever.

While the New York price quoted of refined is 9 cents per pound, and the price quoted by beet factories 1 cent to 1.84 cents per pound above New York quotations, the price paid by the consumer averages 1 cent per pound above these prices. For example, the retail price of refined sugar to-day in New York is 10 cents per pound, and in Colorado and Utah 11.4 cents per pound, and in Montana and Idaho around 12 cents per pound, as the wholesaler now exacts from the

retailer a profit of one-half cent per pound and the retailer exacts from the customer another one-half cent per pound. Prior to the war the wholesaler was satisfied with one-fourth of a cent per pound profit, and the retailer frequently sold sugar to the consumer without a profit, using it as a leader to induce sales of other classes of merchandise. But both the wholesaler and retailer are now obliged to invest so much more in sugar on account of increase in price, due largely to the tariff, that they must charge more in order to obtain proper return upon their investment. It was not unusual 10 years ago to obtain sugar for 5 cents per pound retail, even with a tariff of 1.348 cents per pound, but the American public can never expect refined sugar at such a price with a tariff rate amounting to 2 cents per pound. Owing to the high prices paid during the war, the American consumers seem to have become indifferent to the 100 per cent increase in sugar prices during the past 10 years, and this indifference is taken advantage of by many dealers to indulge in war-time profits. There is no reason why sugar under normal conditions and with a reasonable tariff could not again sell for 5½ to 6 cents retail.

—

FEBRUARY 23, 1923.—The price of New York refined sugar has now advanced to 9 cents per pound, due to advance in duty-paid raws to 7.53 cents per pound, which means that the retail price of sugar is now 10 cents per pound in New York and from 11 to 12 cents per pound in other parts of the United States. The New York refined price of 9 cents per pound compares with an average for 1922 of 5.904 cents; 1921, 6.207 cents; 1920, 11.309 cents; from August 12 to December 31, 1919, 9.003 cents; 1918, 7.884 cents; 1917, 6.33 cents; 1916, 6.862 cents; 1915, 5.539 cents; 1914, 4.682 cents; 1913, 4.278 cents per pound. The present price, therefore, is the highest since 1883, with the exception of five months in 1920 and the year 1919, during the peak period of war-time inflation. The present tariff is responsible for 2 cents per pound of this price.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore laid before the Senate a resolution unanimously adopted by citizens of Eastham, Mass., in town meeting assembled, favoring the enactment of legislation fixing a maximum price on coal, etc., which was referred to the Committee on Education and Labor.

Mr. KEYES presented resolutions adopted by the men of the Church of Christ at Dartmouth College, of Hanover; Woolen Workers' Local, No. 1424, United Textile Workers of America, of Dover; and Cotton Workers' Local, No. 27, United Textile Workers of America, of Dover, all in the State of New Hampshire, favoring an amendment to the Constitution governing the passage of legislation regulating child labor, which were ordered to lie on the table.

Mr. WARREN presented the following joint resolution of the Legislature of Wyoming, which was referred to the Committee on Interstate Commerce:

THE STATE OF WYOMING,
Office of the Secretary of State.

UNITED STATES OF AMERICA,
State of Wyoming, ss:

I, F. E. Lucas, secretary of state of the State of Wyoming, do hereby certify that the annexed copy of Enrolled Joint Resolution No. 23 (senate) of the Seventeenth Legislature of the State of Wyoming, being original Senate Joint Resolution No. 6, has been carefully compared with the original, filed in this office, and is a full, true, and correct transcript of the same and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 27th day of February, A. D. 1923.

[SEAL.] F. E. LUCAS,
Secretary of State.
By H. M. SYMONS, *Deputy.*

Enrolled Joint Resolution No. 23 (Senate), Seventeenth Legislature of the State of Wyoming.

Senate joint resolution requesting the appointment of a commission to investigate the feasibility of the Great Lakes-St. Lawrence tidewater project, and providing for the expenses thereof, and asking Congress to aid in the investigation of the project.

Whereas it is proposed to make such improvements in the St. Lawrence River as to make the Great Lakes accessible to ocean-going commerce; and as this improvement will in effect bring the State of Wyoming nearer to the world's markets; and because our producers and the consuming public have alike suffered enormous losses during the last year by reason of the high cost of transportation, there is an urgent need for such a project; and

Whereas a number of States have joined the Great Lakes-St. Lawrence Tidewater Association, having as its object the early undertaking of a completion of this project: Therefore be it

Resolved, That the State of Wyoming be properly associated in the above-named organization with the other States interested, in pressing this undertaking to completion; be it further

Resolved, That the Representatives of this State in Congress of the United States be requested to facilitate in every possible way the prosecution of this undertaking.

S. SKOVGARD,
President of the Senate.
J. D. NOBLITT,
Speaker of the House.

Approved February 21, 1923.

WILLIAM B. ROSS, *Governor.*

Mr. NORRIS. I present and ask unanimous consent to have inserted in the RECORD resolutions adopted by the Northwest Stabilization Congress at Billings, Mont., on February 16 and 17, 1923.

There being no objection, the resolutions were referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Resolutions adopted by Northwest Stabilization Congress at Billings, Mont., February 16 and 17, 1923.

Whereas agriculture, including animal husbandry, is the basic industry of the United States; and

Whereas this industry has been and is suffering from the unprecedented deflation which followed the World War, which has forced the farmers to sell their products for less than the cost of production; and

Whereas those engaged in agricultural pursuits are by the very nature of their occupation decentralized and scattered over a large territory and, as a result, are unable to thoroughly organize to influence the market conditions and are thereby compelled to sell and buy in a market over which they have no control; and

Whereas the purchase and sale of farm products is no longer governed by the so-called law of supply and demand; and

Whereas the farmers' cooperative and sales agencies are not able to compete with the highly centralized organized power of monopoly; and

Whereas farmers and stockmen over 15 Western States are stranded and can no longer function under the heavy load which they carry, excessive interest, high taxes, short-time loans, deflated markets, high cost of farm machinery, also all supplies necessary to feed and clothe themselves and families; and

Whereas from the best authority on cost of production covering a period of 10 years the actual cost of producing a bushel of wheat is $1.60 over the 10 Northwestern States; and

Whereas over 100 banks have failed in six of these States within the last 45 days; and

Whereas it is not more credit that the farmers need but a price for their products which will enable them to liquidate their already too large burden of debt: Therefore be it

Resolved by the Northwest Stabilization Congress in session assembled, That the stabilization of the price of farm products by Federal legislation is the only scientific method by which agriculture can be immediately restored to its rightful place in our industrial and economic system; and be it further

Resolved, That we fully indorse the Norris-Sinclair marketing bill and the Gooding stabilization bill now pending in the United States Senate and urge their immediate passage at the present session of Congress; and be it further

Resolved, That copies of this resolution be sent to the chairmen of the Agricultural Committees of both Houses of Congress and to our Senators and Representatives in Congress.

Mr. NORBECK presented the following concurrent resolution of the Legislature of South Dakota, which was referred to the Committee on Indian Affairs:

A concurrent resolution memorializing the Congress of the United States to make such provisions as will authorize the Secretary of the Interior to sell Indian inheritance lands.

Whereas there are several large Indian reservations in the State of South Dakota on which there are residing at the present time about 20,000 Indians who have been allotted lands in severalty, which allotments vary in size from 160 acres to 640 acres; and

Whereas these allotments are held in trust by the General Government for a period of 25 years, or until such time as the Secretary of the Interior, in his opinion, may deem any allottee competent to manage his own affairs, when in such case the Secretary of the Interior may grant a patent in fee to such Indian for the land allotted to him; and

Whereas the experience of such practice in the past has been that in a large majority of the cases where patents in fee have been granted that the Indians receiving such patents invariably sell the lands thus patented to them and squander the proceeds within a short time thereafter; and

Whereas it is evident that if this practice continues it will only be a question of time when the lands now belonging to the Indians will have passed from their control, either to speculators or to settlers, and the Indians themselves will in many instances be paupers and dependent upon the communities in which they live; and

Whereas this state of affairs is one to be deplored and which should be prevented, if possible, by the citizens of South Dakota by cooperating with the Federal Government in regulating and controlling the sale of Indian lands; by proper cooperation it is possible to make this Indian land yield a regular income to the present owners and at the same time afford homes to a large number of would-be settlers with small means, and also to add to the taxable property of the counties in which these reservations are located and thereby decrease the present burden of taxation which is now borne by a small number of citizens in each county: Therefore be it

Resolved by the Senate of the State of South Dakota (the House of Representatives concurring)—

SECTION 1. That the Congress of the United States be memorialized to make such provisions as will authorize the Secretary of the Interior to sell all Indian inheritance land at prices which shall be just to the tribes and to the public upon long time and upon terms that the purchaser may amortize his debt for the purchase price by small annual payments, thus affording regular revenue to the tribes and also preventing the proceeds of such sales from being dissipated by the heirs.

SEC. 2. That no patents in fee be granted to any Indian allottee until recommended by the proper representative from the State of South Dakota, to the end that the State may be in a position to properly superintend the sale of any land which such allottee may wish to make after receiving patent in fee.

C. S. AMSDEN,
Pro tempore President of the Senate.
A. B. BLAKE,
Secretary of the Senate.
E. O. FRISCOLN,
Speaker of the House.
WRIGHT TARBELL,
Chief Clerk of the House.

Mr. NORBECK presented the following concurrent resolution of the Legislature of South Dakota, which was referred to the Committee on Public Lands and Surveys:

Concurrent resolution.

Whereas the Bad Lands of the White River in South Dakota embrace an area about 1,500 square miles in extent, the title to which chiefly remains in the United States; and

Whereas this area is most unique and picturesque in character, showing the processes by which nature is eroding and carrying away overlying strata of materials of the most unusual sort; soils filled with remains of prehistoric life, from which the museums of the world have been supplied with specimens of the first importance; an area affording opportunities for study in natural history, paleontology, anthropology, geology, and topography not found elsewhere, as well as indescribable scenic grandeur; cliffs carved by erosion into vast cathedrals surmounted by tapering spires, deep chasms with walls of jasper, embattlements with bases of blazing crimson and crowned with parapets of crystal white; extensive areas so complicated that man has not yet invaded them and the hidden beauties and wealth of which have not been glimpsed by human eye; and

Whereas this wonderland is located directly upon the lines of two of the great transcontinental highways and is easily accessible to scientists and tourists: Therefore be it

Resolved by the Senate of the State of South Dakota (the House of Representatives concurring), That the Congress of the United States be memorialized to set aside and establish this area as a national park and to provide for its supervision.

That engrossed copies of this resolution be forwarded by the secretary of state to our Senators and Representatives in Congress, to the Secretary of the Senate, and Chief Clerk of the House of Representatives of the United States, and to His Excellency the President of the United States.

C. S. AMSDEN,
President of the Senate.
A. B. BLAKE,
Secretary of the Senate.
E. O. FRESCOLN,
Speaker of the House.
WRIGHT TARBELL,
Chief Clerk of the House.

Mr. NORBECK presented the following concurrent resolution of the Legislature of South Dakota, which was referred to the Committee on Education and Labor:

Concurrent resolution of South Dakota Legislature.

Whereas the unprecedented wave of crime sweeping over America, crowding our jails and penitentiaries and increasing the prison population of South Dakota almost 100 per cent, is, in the opinion of the most expert sociologists of the age, due to the emphasis which has in recent years been placed upon material values and the small concern paid to spiritual values in home, school, and society; and

Whereas this alarming condition shows no indication of subsidence, but on the contrary is increasing and must produce a situation that should arouse every thoughtful person to consider efficient methods of combating the crime wave and to impress the great necessity for reform in modern home life, school economy, and social practices; and

Whereas the multiplicity of bills offering diverse methods of accomplishing this purpose which have flooded this legislature is proof of the concern felt, as well as the difficulty of enacting into law effective provisions for producing the end sought, as well as the greater difficulty of bringing citizens of opposing views and different religious convictions to a uniform understanding and method; and

Whereas Washington said in his Farewell Address: "No nation can exist without religion." Experience—the history of humanity—has demonstrated that a Republic like ours is strong and a blessing to its people and the world according to the development of its people, according to the moral character and intelligent religion of its people; and

Whereas the strength and efficiency of any republic, a government by the people, depends upon the best development of those people, which experience has demonstrated and history shows can not be without religion. The strength of a republic is in the character of its citizens, their intelligence and their morals inseparable from their religion; and

Whereas it is uniformly conceded that the remedy must be effected through the inculcation of morality, spirituality, and conscience in the young, in church, school, and home: Therefore be it

Resolved by the Senate of the State of South Dakota (the House of Representatives concurring), That the people of South Dakota be enjoined to address themselves to renewed effort to restore the balance between the spiritual and the material, that our children be reared up in the precepts of fundamental righteousness.

That the churches and Sabbath schools be constrained to intensify their work and to extend it to every child within their respective spheres of influence.

That parents be adjured to exert every effort to restore the old-time influence of the home in molding the lives of their children, for the development of conscience and morality; that the family altar be restored and that in self-sacrificing love the little ones be trained in the simple virtues of truthfulness, honesty, and respect for the rights of others.

That the schools promptly reform their methods, so that the rudimentary studies as well as the sciences be taught only as subordinate to righteousness. That the emphasis be placed upon morality, good conscience, respect for parents, reverence for age and experience, and that all learning is but the handmaiden of eternal goodness.

That it is the judgment of the Legislature of South Dakota that only upon the lines herein suggested can the true balance be restored and the crime wave checked and civilization preserved.

Mr. NORBECK presented a petition, numerously signed, of sundry citizens of Lane, Woonsocket, Wessington Springs, and Alpena, all in the State of South Dakota, praying for the passage of legislation granting immediate aid to the famine-stricken peoples of the German and Austrian Republics, which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. McNARY, from the Committee on Commerce, to which was referred the joint resolution (H. J. Res. 415) to authorize the improvement of the Columbia River at St. Helens, Oreg., reported it without amendment.

Mr. CALDER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the resolution (S. Res. 459) authorizing an annotation of the Senate rules, reported it without amendment.

AUGUST NELSON.

Mr. KENDRICK. From the Committee on Public Lands and Surveys I report back favorably without amendment the bill (H. R. 13024) for the relief of August Nelson, and I submit a report (No. 1259) thereon. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the homestead entry No. 027376, Cheyenne, Wyo., made by August Nelson on October 11, 1920, under the act of February 19, 1909 (35 Stat. L. p. 639), for lots 3 and 4, east half of the southwest quarter, and southeast quarter of section 30, township 25 north, range 81 west, sixth principal meridian, be, and the same is hereby, validated, and the Secretary of the Interior is hereby authorized to issue patent thereon upon the submission of satisfactory proof of compliance with the law under which the entry was allowed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEGAL REPRESENTATIVES OF MILES J. DAVIS, DECEASED.

Mr. KENDRICK. From the Committee on Public Lands and Surveys I report back favorably without amendment the bill (H. R. 13612) authorizing the issuance of patent to the legal representatives of Miles J. Davis, deceased, and I submit a report (No. 1260) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue a patent to the legal representatives of Miles J. Davis, deceased, upon homestead entry, Buffalo, Wyo., No. 014165, made August 2, 1920, for the east half of the west half, west half of the east half of section 34, south half of the south half of section 27, and south half of the south half of section 26, township 54 north, range 75 west, sixth principal meridian, upon which proof of compliance with law has been filed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADDITIONAL SENATE PAGES.

Mr. CALDER. Mr. President, all the pages of the Senate are carried on the pay rolls until the end of the present month of March except the five extra pages whom we have had employed for the past two years. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably Senate Resolution 462 to carry those five pages until the 31st of March.

I ask unanimous consent for the present consideration of the resolution.

There being no objection, the resolution (S. Res. 462) submitted by Mr. CURTIS on the 1st instant was considered and agreed to, as follows:

Resolved, That Senate Resolution 363, agreed to December 4, 1922, authorizing and directing the employment of five additional pages for the Senate Chamber to serve until March 4, 1923, at $2.50 per day each, be, and the same hereby is, continued in full force and effect until March 31, 1923.

DISTRICT COURT AT SPARTANBURG, S. C.

The PRESIDING OFFICER. If there be no further reports of committees, the introduction of bills and joint resolutions is in order.

Mr. SMITH. Mr. President, before we pass from the order of reports of committees, I wish to ask the Senator from North Carolina [Mr. OVERMAN] if his committee is ready to report on a measure which has come over from the House of Representatives in reference to establishing Spartanburg, S. C., as a place where the district court may hold its sessions? The proposed legislation is a matter of importance, and I wish to see it expedited. I disliked for this order of business to pass over until I knew whether or not it would be possible for us to pass on the matter to-day.

Mr. OVERMAN. There has been no message received from the House of Representatives this morning at all. The Committee on the Judiciary, of course, can not report on the measure to which the Senator from South Carolina referred until it shall have come from the other House.

The PRESIDING OFFICER. The measure has not yet come from the House. The introduction of bills and joint resolutions is in order. If there be none, concurrent and other resolutions are in order.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHORTRIDGE:

A bill (S. 4654) for the relief of William J. McGee; to the Committee on Claims.

By Mr. JOHNSON:

A bill (S. 4655) to amend section 463 of the Revised Statutes; to the Committee on Indian Affairs.

By Mr. KING (by request):

A bill (S. 4656) to transfer to the Secretary of Commerce the powers, duties, and functions of the United States Shipping Board, including the assets, properties, funds, and liabilities of the United States Shipping Board Emergency Fleet Corporation, and to provide for the disposition of merchant vessels owned by the Government; to the Committee on Commerce.

THE PRICE OF SUGAR.

Mr. BROOKHART. Mr. President, I submit a resolution providing for an investigation of the sugar situation.

The PRESIDING OFFICER. The Senator from Iowa offers a resolution, which will be read.

The resolution (S. Res. 465) was read, as follows:

Whereas the price of sugar has advanced so rapidly during the past 30 days and propaganda is being broadcasted through the public press that a sugar shortage is at hand, and the sugar manipulators are reaping a harvest from the consuming public: Therefore be it

Resolved, That the Senate Committee on Manufactures, or a duly authorized subcommittee thereof, is hereby authorized to investigate the manipulations of the sugar market and ascertain the cause of the rapid advance in the price of sugar, notwithstanding the fact that the Secretary of Commerce announces that there is no world's shortage of the sugar supply. The committee or subcommittee shall make a final report of its investigations, with recommendations to the Senate, at the convening of the Sixty-eighth Congress. For the purpose of this resolution the committee or subcommittee is authorized to sit and act at such times during the recess of Congress and in such places within the United States, to hold such hearings as such committee or subcommittee shall deem advisable, and to employ such clerical and stenographic assistants as it deems necessary, and the subcommittee shall have the same authority as the full committee. The cost of stenographic service to report such hearings shall not be in excess of 25 cents per hundred words. The committee or subcommittee is further authorized to send for persons, books, and papers, to administer oaths, and to take testimony. The expense of the committee or subcommittee shall be paid from the contingent fund of the Senate.

Mr. BROOKHART. I ask unanimous consent for the immediate consideration of the resolution.

The PRESIDING OFFICER. That may not be done. Under the statute the resolution has first to go to the Committee to Audit and Control the Contingent Expenses of the Senate, as it involves an expenditure of money.

Mr. KING. Mr. President, I hope the Senator from Iowa will request and use his best offices to secure prompt action by that committee. I think the resolution is one which ought to pass.

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER. The resolution is required to be referred to the Committee to Audit and Control the Contingent Expenses of the Senate in pursuance of the statute and not of the rules of the Senate.

Mr. BROOKHART. I ask unanimous consent that the rule may be suspend.

The PRESIDING OFFICER. If the Senator will pardon the Chair, he desires to repeat that the necessity for referring his resolution to the Committee to Audit and Control the Contingent Expenses of the Senate is not by virtue of a rule of the Senate but by virtue of the statute providing that such matters must first be passed on by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. BROOKHART. Then I desire to say that I hope the resolution will be reported immediately, so that action may be had at this time.

In this connection I desire to submit and have printed in the RECORD a letter which I addressed to the Secretary of Commerce on the subject and his letter in reply. I desire to call to the attention of the Senate the fact that there is no sugar shortage; in fact, there is quite a large surplus. The increase in the price of sugar has been worked up by certain speculators who are interested in making profits out of a situation of this kind. I wish to call upon the housewives of the United States to boycott this sugar combination for bringing about this increase in the price of sugar.

The PRESIDING OFFICER. Without objection, the correspondence referred to by the Senator from Iowa will be printed in the RECORD.

The letters referred to are as follows:

FEBRUARY 23, 1923.

Hon. HERBERT HOOVER,
Secretary of Commerce, Washington, D. C.

MY DEAR MR. SECRETARY: I have noted in press dispatches the rapid rise in the price of sugar, and am receiving complaints from Iowa asking for an investigation with a view to ascertaining the cause for such rapid increase. I wish you would kindly advise, in your opinion, as to whether or not there is a corner on sugar and the great American public is being mulcted out of millions of dollars through the sugar gamblers of Wall Street. I know that you handled this question during the war and are fully advised as to the methods pursued by these sugar operators at that time.

If you would kindly advise me fully just what the situation is, and what law, if any, could be put in force to regulate this matter, I shall very much appreciate it.

I would also like to be advised as to the sugar supply. It is my understanding that they have sent out word that there is to be a great sugar shortage, and this has caused a panic in the sugar market. An early reply will be appreciated.

With kind regards, I am, sincerely yours,

SMITH W. BROOKHART.

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, February 26, 1923.

Hon. SMITH W. BROOKHART,
United States Senate, Washington, D. C.

DEAR MR. SENATOR: I am in receipt of your letter of February 23. The only laws at all related to the subject to which you refer are the restraint of trade acts, as all price and other war regulations have been long since repealed by Congress. This department necessarily has no knowledge of any corner in sugar, as such matters are dealt with by the Department of Justice and the Federal Trade Commission.

As to the question of sugar supplies, a world survey made by this department showed that the stocks of sugar on hand from last year, plus the production of this year, were estimated at a total of 19,511,000 tons, whereas the consumption for the year was estimated at 19,035,000 tons, leaving a probable surplus at the end of the year of 476,000 tons. Some misconception has arisen because the estimated surplus at the end of the year showed a decrease from the abnormal stocks at the beginning of the year.

There is obviously no shortage in sugar and, moreover, an undue increase in price will decrease consumption.

Yours faithfully,

HERBERT HOOVER.

RAILWAY SHOPMEN'S STRIKE.

Mr. SHEPPARD. I desire to call up Senate Resolution 463, which was introduced by me on yesterday, and ask unanimous consent for its immediate consideration.

Mr. CURTIS. Let the resolution be read.

The PRESIDING OFFICER. The resolution will be read.

The Assistant Secretary read the resolution (S. Res. 463) which was submitted on yesterday by Mr. SHEPPARD, as follows:

Resolved, That the President of the United States be requested, in his discretion, to renew his good offices in bringing about a settlement of pending controversies between certain railroads and railway shopmen.

The PRESIDING OFFICER. The Senator from Texas asks unanimous consent for the present consideration of the resolution which has just been read.

Mr. SMOOT. I ask for the regular order.

The PRESIDING OFFICER. The Senator from Utah asks for the regular order, which is the introduction of concurrent and other resolutions.

ANNOTATION OF SENATE RULES.

Mr. CALDER. I ask unanimous consent, out of order, to report from the Committee to Audit and Control the Contingent Expenses of the Senate Senate Resolution 459.

The PRESIDING OFFICER. The Senator from Utah [Mr. SMOOT] has just asked for the regular order. The Senator from New York asks unanimous consent, out of order, to report from the Committee to Audit and Control the Contingent Expenses of the Senate a resolution, which will be read.

The resolution (S. Res. 459) submitted by Mr. CURTIS on February 28, 1923, was read, as follows:

Resolved, That an annotation be made of the Standing Rules of the Senate with the more important decisions on points of order and parliamentary questions listed and digested under each rule, with a full index, and that 1,000 copies be printed and bound for the use of the Senate. The Rules Committee is authorized to employ a competent person to assist in preparing the annotation, if necessary, his compensation to be paid out of the contingent fund of the Senate.

Mr. CALDER. I ask unanimous consent for the immediate consideration of the resolution.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent for the present consideration of the resolution.

Mr. OVERMAN. I ask for the regular order.

The PRESIDING OFFICER. The regular order is demanded. Concurrent and other resolutions are in order. If there be none, resolutions coming over from a preceding day are in order. Is there further morning business? If not, morning business is closed. The calendar under Rule VIII is in order.

LAND IN MILITARY RESERVATION AT FORT LEAVENWORTH.

Mr. CURTIS. Mr. President, I am obliged to leave the Chamber to attend a meeting of a conference committee. I am therefore going to ask unanimous consent at this time for the consideration of Order of Business 1238, being House bill 13004. The bill has been unanimously reported. If its consideration leads to any debate, I will withdraw my request.

The PRESIDING OFFICER. Is there objection to the consideration of the bill referred to by the Senator from Kansas?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13004) author-

izing the Secretary of War to lease to the Kansas Electric Power Co., its successors and assigns, a certain tract of land in the military reservation at Fort Leavenworth, Kans. The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and empowered to lease for a term of 50 years with the privilege, in the discretion of the Secretary of War, of renewal for a like term to the Kansas Electric Power Co., a corporation, its successors and assigns, for a consideration and under terms and conditions to be determined by said Secretary of War, the following-described tract of real estate in the military reservation at Fort Leavenworth in the State of Kansas:

Beginning at a point which is located as follows: Starting from the northeast corner of the east coping of concrete bridge on Grant Avenue over the Leavenworth, Kansas & Western Railroad; thence north 71 degrees 6 minutes east, a distance of 1,073⅘ feet, to the northwest corner of the United States Government Motor Transport Building; thence north 72 degrees east along the line parallel to the north side of said United States Government Motor Transport Building, a distance of 1,023⅘ feet to the aforesaid point of beginning; thence south 18 degrees east, a distance of 847 feet; thence north 72 degrees east, a distance of 433 feet more or less, to a point located on the west right-of-way line of the said Leavenworth, Kansas & Western Railroad. Returning to the original point of beginning; thence north 18 degrees west, a distance of 850 feet, to a point; thence north 72 degrees east, a distance of 543 feet more or less, to a point located on the west right-of-way line of the Missouri Pacific Railroad; thence in a southerly direction along the west boundary of the Missouri Pacific Railroad right of way to said point above mentioned on the west right-of-way line of the said Leavenworth, Kansas & Western Railroad; exclusive of the rights of way granted to said Leavenworth, Kansas & Western Railroad and said Missouri Pacific Railroad, and containing, exclusive of said railroad rights of way, 15⅘ acres, more or less; reserving, however, to the United States, or its assigns, the coal and other minerals, or royalty on the same, underlying said lands; for the purpose of constructing and maintaining thereon an electric power plant and such other works as may be necessary or proper to enable said corporation, its successors or assigns, to furnish Fort Leavenworth, the Disciplinary Barracks, the Federal Prison, the Soldiers' Home, and the Motor Transport shops, together with the city of Leavenworth and such other communities and patrons as may be served by said plant, with an adequate supply of electrical energy.

SEC. 2. That said corporation, the Kansas Electric Power Co., its successors and assigns, shall have the continuous and uninterrupted use of said real estate for the uses and purposes herein above set out, under the direction and control of the Secretary of War and subject to the terms and conditions of the lease to be executed by said Secretary of War as herein provided, so long as said tract shall be used for the purposes herein specified: *Provided, however*, That if said corporation, its successors or assigns, shall cease to use and occupy said premises for such purposes, then and in that event said lease shall become null and void.

SEC. 3. That this act shall take effect and be in force from and after its passage.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN L. LOTT.

Mr. ERNST submitted the following resolution (S. Res. 468), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay out of the contingent fund of the Senate to John L. Lott the sum of $650 for services rendered the Committee on Revision of the Laws of the Senate during the Sixty-seventh Congress in an expert, technical examination of H. R. 12, an act to codify and revise the laws of the United States, passed by the House of Representatives and referred to said committee.

INTERNATIONAL COURT OF JUSTICE AT THE HAGUE (S. DOC. 342).

Mr. LODGE. Mr. President, I present a reply from the Secretary of State, transmitted by the President, to certain questions asked by the Committee on Foreign Relations in regard to the message of the President on Saturday last. As we have only one day more, it seemed to me desirable that this communication should be placed before the Senate as soon as possible, and I ask that it be printed in the RECORD in 8-point type. I understand that the Secretary of State has already given the letter to the press.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LODGE. I ask that the letter of the President and the letter of the Secretary of State, which are to be printed in the RECORD, be also printed as a Senate document.

There being no objection, the matter referred to was ordered to be printed as a document and to be printed in the RECORD in 8-point type, as follows:

THE WHITE HOUSE,
Washington, March 2, 1923.

Hon. HENRY CABOT LODGE,
United States Senate, Washington, D. C.

MY DEAR SENATOR LODGE: On Wednesday you sent me the request of the Foreign Relations Committee for information relative to the proposal that we adhere to the protocol establishing an International Court of Justice at The Hague. I immediately submitted the inquiries of your committee to the Secretary of State for detailed reply. I am pleased to transmit to you herewith a letter from the Secretary of State covering the various questions raised in the committee resolution of inquiry. I need not add that the reply of the Secretary of State has my most hearty approval.

Very truly yours,

WARREN G. HARDING.

DEPARTMENT OF STATE,
Washington, March 1, 1923.

MY DEAR MR. PRESIDENT: I have received your letter of February 28, inclosing a request handed to you by Senator LODGE, chairman of the Senate Committee on Foreign Relations, for certain information desired by the committee in order to reach a decision relative to advising and consenting to our adhesion to the protocol establishing the Permanent Court of International Justice. I beg leave to submit the following statement upon the points raised:

First, the inquiry is this:

"That the President be requested to advise the committee whether he favors an agreement obligating all powers or governments who are signers of the protocol creating the court to submit all questions about which there is a dispute, and which can not be settled by diplomatic efforts, relative to: (a) The interpretation of treaties; (b) any question of international law; (c) the existence of any fact which, if established, would constitute a breach of an international obligation; (d) the nature or extent of reparation to be made for the breach of an international obligation; (e) the interpretation of a sentence passed by the court."

I understand that the question is not intended to elicit your purely personal opinion, or whether you would look with an approving eye upon an agreement of this sort made effective by the action of all powers, but whether you, as President, in the exercise of your constitutional authority to negotiate treaties, favor the undertaking to negotiate a treaty on the part of the United States with other powers creating such an obligatory jurisdiction.

So understood, I think that the question must be answered in the negative. This is for the reason that the Senate has so clearly defined its attitude in opposition to such an agreement that until there is ground for believing that this attitude has been changed it would be entirely futile for the Executive to negotiate any treaty of the sort described.

I may briefly refer to earlier efforts in this direction.

In the latter part of the Cleveland administration a very strong public sentiment was expressed in favor of a general arbitration treaty between the United States and Great Britain, this being regarded as a step toward a plan for all civilized nations. In January, 1897, the Olney-Pauncefote treaty was signed, with provisions for compulsory arbitration having a wide scope. This treaty was supported not only by the Cleveland administration but President McKinley indorsed it in the strongest terms in his annual message of December 6, 1897, urging "the early action of the Senate thereon not merely as a matter of policy but as a duty to mankind." But despite the safeguards established by the treaty the provisions for compulsory arbitration met with disfavor in the Senate, and the treaty failed. (Moore's Int. Law Dig., Vol. VII, pp. 76–78.)

A series of arbitration treaties was concluded in 1904 by Secretary Hay with about 12 States. Warned by the fate of the Olney-Pauncefote treaty, Secretary Hay limited the provision for obligatory arbitration in these treaties to "differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two contracting parties, and which it may not have been possible to settle by diplomacy." Even with this limitation, there was added the further proviso: "Provided, nevertheless, that they (the differences) do not affect the vital interests, the independence, or the honor of the two contracting States, and do not concern the interests of third parties."

It was also provided that the parties should conclude a "special agreement" in each individual case, "defining clearly the matter in dispute, the scope of the powers of the arbitrators, and the periods to be fixed for the formation of the arbitral tribunal and the several stages of the procedure."

Notwithstanding the limited scope of these treaties for compulsory arbitration, the Senate amended them by substituting the phrase "special treaty" for "special agreement," so that in every individual case of arbitration a special treaty would have to be made with the advice and consent of the Senate. (Moore's Int. Law Dig., Vol. VII, p. 102–103.) In view of this change, Secretary Hay announced that the President would not submit the amendment to the other Governments.

It should also be observed that The Hague conventions of 1899 and 1907, to which the United States is a party, relating to the general arbitration of certain classes of international differences, do not make recourse to the tribunal compulsory.

In 1908 a series of arbitration treaties was negotiated by the United States. The provisions of these treaties were limited to "differences which may exist of a legal nature or relating to the interpretation of treaties existing between the two contracting parties and which it may not have been possible to settle by diplomacy," with the proviso "that they do not affect the vital interests, the independence, or the honor of the two contracting States, and do not concern the interests of third parties." Secretary Root also provided, taking account of the failure of the Hay treaties, that "in each individual case" the contracting parties before appealing to the arbitral tribunal should conclude a "special agreement" defining the matter in dispute, the scope and powers of the arbitrator, and so forth, and it was further explicitly stipulated in these treaties that such "special agreement" on the part of the United States should be made by the President "by and with the advice and consent of the Senate." These treaties, with these limiting provisions, made in deference to the opinion of the Senate as to the permissible scope of such agreements, received the Senate's approval.

In 1911 the Taft administration submitted to the Senate general arbitration conventions with Great Britain and with France which were of broad scope. There were numerous objections on the part of the Senate. There was a provision in article 3 that, in case of a controversy as to whether a particular difference was justiciable, the issue should be settled by a proposed joint high commission. Objection was made that such an arrangement was an unconstitutional delegation of power, and the provision was struck out by the Senate. Again the Senate conditioned its approval on numerous other reservations, withholding from the operation of the treaty any question "which affects the admission of aliens into the United States, or the admission of aliens to the educational institutions of the several States, or the territorial integrity of the several States or of the United States, or concerning the question of the alleged indebtedness or moneyed obligation of any State of the United States, or any question which depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe doctrine, or other purely governmental policy."

In the amended form the treaties were not acceptable to the administration and remain unratified.

In the light of this record it would seem to be entirely clear that until the Senate changes its attitude it would be a waste of effort for the President to attempt to negotiate treaties with the other powers providing for an obligatory jurisdiction of the scope stated in the committee's first inquiry, quoted above.

If the Senate, or even the Committee on Foreign Relations, would indicate that a different point of view is now entertained, you might properly consider the advisability of negotiating such agreements.

Second. The second inquiry is as follows:

"Secondly, if the President favors such an agreement, does he deem it advisable to communicate with the other powers to ascertain whether they are willing to obligate themselves as aforesaid?

"In other words, are those who are signers of the protocol creating the court willing to obligate themselves by agreement to submit such questions as aforesaid, or are they to insist that such questions shall only be submitted in case both, or all, parties interested agree to the submission after the controversy arises?

"The purpose being to give the court obligatory jurisdiction over all purely justiciable questions relating to the interpretation of treaties, questions of international law, to the existence of facts constituting a breach of international obligation, to reparation for the breach of international obligation, to the interpretation of the sentences passed by the court, to the end that these matters may be finally determined in a court of justice."

What has been said above is believed to be a sufficient answer to this question. It may, however, be added that the statute establishing the Permanent Court of International Justice, as I stated in my previous letter, has a provision—article 36—by which compulsory jurisdiction can be accepted, if desired, in any or all of the classes of legal disputes concerning (a) the interpretation of a treaty, (b) any question of international law, (c) the existence of any fact which, if established, would constitute a breach of an international obligation, and (d) the nature or extent of the reparation to be made for the breach of an international obligation. Accordingly, attached to the protocol of signature for the establishment of the Permanent Court of International Justice is an "optional clause" by which the signatory may accept this compulsory jurisdiction.

I understand that of the 46 States which have signed the protocol for the establishment of the court about 15 have ratified this optional clause for compulsory jurisdiction, but among the States which have not as yet assented to the optional clause are to be found, I believe, Great Britain, France, Italy, and Japan. The result is that aside from the objections to which I have referred in answering the first inquiry there is the additional one resulting from the attitude of these powers.

It was for all the reasons above stated that in my previous letter I recommended that if this course met with your approval you should request the Senate to give its advice and consent to the adhesion on the part of the United States to the protocol accepting, upon the conditions stated, the adjoined statute of the Permanent Court of International Justice, but not the optional clause for compulsory jurisdiction.

Third. The next inquiry is: "The committee would also like to ascertain whether it is the purpose of the administration to have this country recognize part 13 (labor) of the treaty of Versailles as a binding obligation. See article 26 of statute of league establishing the court."

I submit that the answer should be in the negative.

Part XIII of the treaty of Versailles, relating to labor, is not one of the parts under which rights were reserved to the United States by our treaty with Germany. On the contrary, it was distinctly stated in that treaty that the United States assumes no obligations under Part XIII. It is not now contemplated that the United States should assume any obligations of that sort. Article 26 of the statute of the court, to which the committee refers in its inquiry, relates to the manner in which labor cases referred to in Part XIII of the treaty of Versailles shall be heard and determined. But this provision would in no way involve the United States in Part XIII. The purpose of the court is to provide a judicial tribunal of the greatest ability and distinction to deal with questions arising under treaties. The fact that the United States gave its adhesion to the protocol and accepted the statute of the court would not make the United States a party to treaties to which it was otherwise not a party or a participant in disputes in which it would otherwise not be a participant. The function of the court, of course, is to determine questions which arise under treaties, although only two of all the powers concerned in maintaining the court may be parties to the particular treaty or the particular dispute.

Undoubtedly there are a host of treaties to which the United States is not a party, as well as Part XIII of the treaty of Versailles, which would give rise to questions which such a permanent court of international justice should hear and determine. None of the signatory powers by cooperating in the establishment and maintenance of the court make themselves parties to treaties or assume obligations under treaties between other powers. It is to the interest of the United States, however, that controversies which arise under treaties to which it is not a party should be the subject of peaceful settlements, so far as it is practicable to obtain them, and to this end that there should be an instrumentality, equipped as a permanent court, through which impartial justice among the nations may be administered according to judicial standards.

Fourth. Finally the committee states that "they would also like to be informed as to what reservations, if any, have been made by those countries who have adhered to the protocol."

I am not advised that any other State has made reservations on signing or adhering to the protocol.

I am, my dear Mr. President,

Faithfully yours, CHARLES E. HUGHES.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed without amendment the bill (S. 4552) to incorporate the Belleau Wood Memorial Association.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2984) for the relief of Thurston W. True.

The message further announced that the House had passed bills and joint resolutions of the following titles, in which it requested the concurrence of the Senate:

H. R. 2347. An act for the relief of certain homestead entrymen;

H. R. 7851. An act to amend an act entitled "An act to amend an act entitled 'An act to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes,'" approved

September 1, 1916, so as to provide for the terms of the district court to be held at Spartanburg, S. C.;

H. R. 11477. An act granting the consent of Congress to the Freeburn Toll Bridge Co. to construct a bridge across the Tug Fork of Big Sandy River, in Pike County, Ky.;

H. R. 12378. An act granting the consent of Congress to maintain a bridge across the Rio Grande River;

H. R. 14111. An act to amend the patent and trade-mark laws, and for other purposes;

H. R. 14226. An act to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916;

H. J. Res. 415. Joint resolution to authorize the improvement of the Columbia River at St. Helens, Oreg.; and

H. J. Res. 442. Joint resolution to authorize the transportation to Porto Rico of a committee representing the Fourth Ohio Infantry, war with Spain.

HOUSE BILLS AND JOINT RESOLUTIONS REFFERRED.

The following bills and joint resolutions were severally read twice by title and referred as indicated below:

H. R. 2347. An act for the relief of certain homestead entrymen; to the Committee on Public Lands and Surveys.

H. R. 14111. An act to amend the patent and trade-mark laws, and for other purposes; to the Committee on Patents.

H. J. Res. 442. Joint resolution to authorize the transportation to Porto Rico of a committee representing the Fourth Ohio Infantry, war with Spain; to the Committee on Military Affairs.

H. R. 7851. An act to amend an act entitled "An act to amend an act entitled 'An act to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes,'" approved September 1, 1916, so as to provide for the terms of the district court to be held at Spartanburg, S. C.; and

H. R. 14226. An act to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916; to the Committee on the Judiciary.

H. R. 11477. An act granting the consent of Congress to the Freeburn Toll Bridge Co. to construct a bridge across the Tug Fork of Big Sandy River, in Pike County, Ky.;

H. R. 12378. An act granting the consent of Congress to maintain a bridge across the Rio Grande River; and

H. J. Res. 415. Joint resolution to authorize the improvement of the Columbia River at St. Helens, Oreg.; to the Committee on Commerce.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on March 2, 1923, the President had approved and signed the following acts:

S. 937. An act to reimburse Isaiah Stephens, postmaster of McMechen, Marshall County, W. Va., for money and postage stamps stolen;

S. 2168. An act for the relief of Jesse C. Dennis and William Rhett Eleazer;

S. 2632. An act for the relief of Martin Cletner;

S. 3171. An act for the relief of the trustee of the estate of Hillsboro Dredging Co., a corporation, bankrupt; and

S. 4028. An act for the relief of John N. Halladay.

THE CALENDAR.

The PRESIDING OFFICER. The calendar under Rule VIII is in order.

Mr. CUMMINS. Mr. President, I ask unanimous consent that the call of the calendar begin at the number where we left off when the calendar was last under consideration.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the consideration of the calendar begin with Order of Business No. 1135. Is there objection?

Mr. McNARY. Is that the order of business which follows the last bill which was considered when the calendar was under consideration a few days ago?

The PRESIDING OFFICER. The Chair is informed that that is where we left off the consideration of the calendar when it was last under consideration. Is there objection to the request of the Senator from Iowa? The Chair hears none, and it is so ordered.

JOSEPH F. BECKER.

The bill (S. 3615) for the relief of Joseph F. Becker was announced as first in order.

Mr. NORRIS. Mr. President, I have offered an amendment to that bill to correspond with the action we took the day before on a similar bill. I wish to say that I have made some further investigation in what limited time I have had, and I find that the disability of the beneficiary of the bill in this case is not so great as the disability of the claimant in the other case. Following the precedent then set, therefore, I think the amount under this bill ought not to be so high, and I will modify my amendment by striking out $150 a month and inserting $75 a month.

Mr. SMOOT. Mr. President, I do not see why the beneficiary of this bill should have any more than an old soldier who served through the Civil War and was crippled and requires an attendant. I understand that the man for whose relief this bill is intended had his leg broken.

Mr. NORRIS. The amount proposed is not more than the Civil War soldier would receive.

Mr. SMOOT. Yes; it is.

Mr. NORRIS. No.

Mr. SMOOT. Sixty dollars is the very highest rate that is paid for any injury like this to an old soldier of the Civil War who is on the verge of the grave.

Mr. NORRIS. Such an old soldier gets more than $60 a month.

Mr. SMOOT. I say that he does not get more than $60 a month.

Mr. NORRIS. The Senator can make his statement, of course, and I can make mine, but neither one of us, perhaps, can make a statement that may not be contradicted by the record. I have known many old soldiers who have received more than that when they did not require the services of an attendant.

Mr. SMOOT. The amount allowed in the most aggravated and helpless cases is $72.

Mr. NORRIS. Well, let us put the figure in this bill at $72. I think that would be fair. The proposed beneficiary can not perform any labor where he is required to stand.

Mr. SMOOT. He had his leg broken; that is all.

Mr. NORRIS. This man is not able to perform any kind of labor where he has to stand up or walk. He is permanently disabled and can not use one of his limbs.

Mr. DIAL. Mr. President, I notice from the report that he was not injured in the performance of his duty.

Mr. NORRIS. He was injured in the performance of his duty.

Mr. DIAL. Will the Senator inform us how his injury was brought about?

Mr. NORRIS. He was injured in line of duty, but he was not injured until after peace had been declared with Germany. This man was the commander of his vessel. He came from private life, it is true, but he was one of the reserve officers and was permanently injured in the line of duty on his own ship. As I have stated, however, the injury occurred after peace had been declared. Had it occurred before that he would have been entitled—I do not know just what a reserve officer's salary would have been, but it would have been $200 or $300 a month, as I understand—but because the injury occurred after peace, instead of while there was technical war on, he was not entitled to anything under the general law.

We have taken similar action in other cases. I do not want to take up the time of the Senate; we debated this case at considerable length a few days ago, and the Senate finally reached a conclusion as to what action it would take in such cases, of which there are several. In one case which was before the Senate it was decided to give the one who had been injured a pension, and we passed a bill giving the man a pension in that case of $150 a month. If we make it $72 in this case, we have equalized matters, it seems to me.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. The Chair assumes that unanimous consent has been given for the consideration of the bill.

Mr. SMOOT. I did not so understand, Mr. President.

The PRESIDING OFFICER. Well, is there objection to the present consideration of the bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3615) for the relief of Joseph F. Becker.

Mr. SMOOT. Mr. President, I do not want to object to the consideration of this bill, or else I would have done so before. I am perfectly willing to pay a man a reasonable pension, even though his leg was not broken in the line of duty; but I can not understand why to-day we should pay a man who has one lame leg more than we pay a wounded Civil War veteran. Simply because there is a special bill for this man, who is not entitled under the law to a pension, I do not see why we should give him more than anyone else.

This is a Senate bill, Mr. President, and there is no use in taking any time with it, because I do not think it will pass the House, anyhow. Therefore I shall not object to its consideration any further, and let the $72 go.

The PRESIDING OFFICER. The amendment offered by the Senator from Nebraska will be stated.

The READING CLERK. It is proposed to strike out all after the enacting clause and in lieu thereof to insert the following:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph F. Becker, late a lieutenant commander, United States Naval Reserve Force, and pay him a pension at the rate of $72 per month, dating from the date of his discharge from the Navy.

Mr. SMOOT. Mr. President, does the Senator mean to pay him back pay or pension?

Mr. NORRIS. Yes.

Mr. SMOOT. I can not agree to that, Mr. President. We never do that.

Mr. NORRIS. Mr. President, we did that the other day, and now the Senator says we never do that. The very precedent that I am following did that very thing. That was in the Senate bill that we debated all day and finally decided on a policy.

Mr. SMOOT. Mr. President, that is exactly what happens when a precedent is established.

Mr. NORRIS. That is what ought to happen when a precedent is established. We ought to treat them all alike.

Mr. SMOOT. Oh, well, the cases are not the same at all.

Mr. NORRIS. I admit that, but the only difference is in degree; that is all; and we have cut this man down to $72, when we paid the other man $150. Outside of that, the cases are identically the same.

Mr. SMOOT. No pension bill has ever passed for an old soldier where he was paid a dollar unless it began at the date when the bill became a law.

Mr. CUMMINS. Mr. President, is this bill before the Senate?

The PRESIDING OFFICER. It is, under Rule VIII, subject to objection, of course.

Mr. OVERMAN. Mr. President, I am summoned to a conference committee on the deficiency bill——

Mr. NORRIS. Mr. President, let us dispose of this bill first.

Mr. OVERMAN. I thought it had been disposed of.

Mr. SMOOT. Mr. President, I move to strike out the part of the amendment that refers to back pay.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The READING CLERK. It is proposed to strike out "dating from the date of his discharge from the Navy."

Mr. WALSH of Massachusetts obtained the floor.

Mr. NORRIS. Mr. President, on that motion I want to be heard.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. WALSH of Massachusetts. Mr. President, I simply want to say that I have some knowledge of cases similar to this one. I consider this a worthy case. This naval reserve officer ought to be given some compensation by the Government, or better, he ought to be retired on pay, just as regular officers are.

Mr. OVERMAN. Mr. President, I hope the Senator from Utah will allow this bill to pass.

Mr. WALSH of Massachusetts. I want to ask the Senator from Nebraska, however, because, though the Senator passes this bill, it is doubtful if he will get any legislation at this session, to join with some other Senators on this floor in getting a general law passed to give relief to naval reserve officers.

Mr. NORRIS. I shall be very glad to do that.

Mr. WALSH of Massachusetts. Every reserve officer in the Navy who was injured between March 3, 1921, and July 1, 1922, when they were all released from active service, is in the same position that man is in. Up to March 3, 1921, they were all, when permanently incapacitated, given the right to be retired in the same manner as regular naval officers. After March 3, 1921, to July 1, 1922, that right has been denied them; and several of them have sustained severe injuries not dissimilar to the injury that this particular applicant has experienced. I think we ought to make a general law and treat every reserve officer alike, in view of the fact that after July 1 last their active service terminated. I can not see any justification for giving certain rights to reserve officers who were injured on March 1, 1921, and denying those same privileges to men injured on March 10, 1921, and thereafter. It seems to me we ought to get together here and pass a general act giving reserve officers who were permanently incapacitated between March 3, 1921, and July 1 of last year the same rights as reserve officers injured previously to that period.

I have no objection to the Senator's bill; I hope it will be passed; but it will not end these cases, and we ought to pass a general law. The Committee on Naval Affairs ought to report a bill treating all these men alike, because otherwise we will have these independent bills here, session after session, until the men are all dead. Year after year we will be hounded here in Congress to give them the relief that they are entitled to; and I hope the Senator will help a movement to get a general act adopted.

Mr. FRELINGHUYSEN. Mr. President, I have a similar bill following this one. Were I to remain here, I most certainly would join with the Senator from Massachusetts in order that a general bill might be passed. I hope the same consideration will be given to this bill that has been given to the one previously passed.

Mr. LENROOT. Mr. President, if there were the slightest possibility of any of these Senate bills becoming law, I certainly would not object to a reasonable compensation; but everyone knows that it is utterly futile for the Senate to spend its time upon this class of bills when they will not be considered by the House. It does not seem to me that the time of the Senate ought to be occupied in doing an utterly useless thing when there are so many House bills upon the calendar. Therefore, Mr. President, I am going to object.

The PRESIDING OFFICER. The Senator from Wisconsin objects to the present consideration of the bill.

Mr. NORRIS. I move that the Senate take up the bill notwithstanding the objection.

The PRESIDING OFFICER. The Senator from Nebraska moves that the Senate proceed to the consideration of this bill notwithstanding the objection.

Mr. SMOOT. Mr. President, the unanimous-consent agreement was that unobjected bills would be considered.

Mr. NORRIS. No.

Mr. ROBINSON. No, Mr. President.

The PRESIDING OFFICER. That agreement was not entered into. Objection was made, as the Chair remembers, so we are proceeding with the calendar under Rule VIII. The question is on the motion of the Senator from Nebraska to take up the bill, notwithstanding the objection.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. The Chair does not understand that the motion is debatable at this time.

Mr. ROBINSON. Very well.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nebraska.

On a division, the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Utah [Mr. SMOOT] to the amendment in the nature of a substitute.

Mr. NORRIS. Mr. President, I want to be heard briefly on that motion. I only want a moment of the time of the Senate.

The other day, at great length, we debated this question, and finally we had two roll calls on it. We had a roll call first upon the adoption of the amendment, and then we had a roll call upon the passage of the bill; and an amendment was adopted word for word like this one, with the exception that this provides for $72 where the other one provided for $150. Now the Senator from Utah [Mr. SMOOT] has moved to strike out of this proposed amendment the clause which says that this pay shall begin from the date of this man's discharge from the Navy.

Mr. President, the injury was received even before he was discharged. He has received nothing for that injury, no help of any kind. I am told that he is in circumstances of the direst poverty. I do not know that of my own personal knowledge. He does not even live in my State; but, at least, the payment ought to date from the date of his discharge. To be really just, we ought to give him the pension from the date when the injury was received. Under general law if a man is given a pension for an injury incurred in the service, the pension does date from the date of the injury.

I do not want to go over that ground again. We have thrashed it all out heretofore. I just want to know whether or not the Senate is going to treat this case in the same way that it did the other one, when it discussed it all day and finally reached a conclusion upon a roll call of the Senate. We must treat them all alike. We can not make fish of one and fowl of the other. We can not favor some one Senator's bill

and put the kibosh on somebody else's bill. It is a question of whether or not we are going to do the same with this man that we did with the other man. That is all there is to it.

Mr. LENROOT. Mr. President, inasmuch as the Senate seems to wish to occupy its time in the useless undertaking of considering Senate bills which can not ever be considered by the House at this time, I do not know why we should not take some time in debating the merits of this proposition.

The position of the Senator from Nebraska [Mr. NORRIS] is that if the Senate the other day made a mistake and did a wrong thing, therefore it must continue the mistake and do the wrong thing in this case.

Mr. President, if we go upon the pension basis—and I say that is the only correct basis for these men—why should we give them a greater privilege and give them greater consideration than we have given to soldiers of the Civil War and to soldiers of the Spanish-American War?

Mr. NORRIS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. LENROOT. I do.

Mr. NORRIS. I should like to ask the Senator how he voted the other day upon the Wadsworth amendment?

Mr. LENROOT. Mr. President, the particular question that is now up was not up on that proposition.

Mr. NORRIS. It was involved in it.

Mr. LENROOT. Oh, it was involved; but I want to say to the Senator that if that question had come up, I would have voted then just exactly as I expect to vote to-day.

Mr. NORRIS. Now I want to ask the Senator another question, if he will kindly yield.

Mr. LENROOT. I want to ask the Senator from Nebraska a question. Does the Senator think that if there is in a bill something that is wrong, to which Senators have not had their attention called, the Senate is thereafter bound to continue the wrong?

Mr. NORRIS. No. First, it is not wrong. Secondly, it was brought to the attention of everybody here, and we had a discussion of it, and a roll-call vote, and I take it that the Senator voted for it. Now he is going to vote against it because it is a different man and a different Senator.

Mr. LENROOT. Let me ask the Senator this question: Is he willing, in the case of pensions for the soldiers of the Civil War, to date their pensions from 1865?

Mr. NORRIS. I am willing, in the case of soldiers of the Civil War, to date their pensions from the date of the injury; and that is the general law and has been all the time.

Mr. SMOOT. Mr. President, the Senator is wrong.

Mr. LENROOT. The Senator is entirely wrong. Why, if that rule prevailed, it would cost hundreds of millions of dollars additional to the Treasury of the United States. The Senator from Nebraska must be aware of that. I am especially surprised that the Senator from Nebraska, of all Senators on this floor, should take the position that Senators are bound to vote for something they believe is wrong because the Senate the other day did something that the same Senators believe was wrong. That is a very unwise position. It is not the kind of position that the distinguished Senator from Nebraska usually takes.

Mr. COUZENS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Michigan?

Mr. LENROOT. I yield.

Mr. COUZENS. In view of the statement of the Senator from Wisconsin in regard to the inability of the House of Representatives to pass upon these bills at this late time in the session, I am going to object to taking up every one of these bills as they come along, so that we may get down to some business that can be done.

The PRESIDING OFFICER. The bill is up now by motion, by vote of the Senate.

Mr. COUZENS. I am making reference to future bills.

Mr. LENROOT. I wish to say to the Senator from Michigan that I am entirely in accord with his view, and I took that position not 10 minutes ago; but the Senate, by a majority vote, seemed to be indifferent to action upon House bills, to action upon bills that might become laws, and by a very considerable majority this morning voted to take up bills that every Senator knows can not become law. That being the attitude of the Senate, I do not know why I, as one Senator, should be at all concerned, as long as the majority has expressed its will with reference to debating and doing an utterly futile and useless thing until the hour of 1 o'clock shall arrive.

Mr. FRELINGHUYSEN. Will the Senator yield?

Mr. LENROOT. I yield.

Mr. FRELINGHUYSEN. Mr. President, I think the attitude taken by the Senator from Michigan and the Senator from Wisconsin is manifestly unfair. I have a bill of a similar character. I am perfectly willing, if it is the will of the Senate that these bills shall not be discussed and passed upon, to wipe them all out, but inasmuch as the Senate has taken up one, and inasmuch as the Naval Affairs Committee have passed upon the merits of these cases and reported the bills favorably, and inasmuch as these men who are suffering have appealed to their Representatives for relief, and we have introduced these measures, it is the duty of the Senate to pass upon them, as the Senate has passed upon one.

Mr. LENROOT. I ask the Senator from New Jersey what benefit will accrue to these men from the Senate passing these bills which can not become laws?

Mr. FRELINGHUYSEN. I will answer the Senator. The benefit comes from the very fact that the Senate has gone on record in favor of the claims.

Mr. LENROOT. That is exactly the point, Mr. President. The questions which now come up are of a serious nature, and the effort being made to make hasty action of the Senate a precedent in all cases is the strongest reason why these matters should be carefully considered, and a uniform policy upon these bills adopted.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Arkansas?

Mr. LENROOT. I yield

Mr. ROBINSON. I thought the Senator's time had expired.

Mr. LENROOT. There is no limit upon the time.

The PRESIDING OFFICER. The bill was taken up by motion.

Mr. LENROOT. It was taken up by motion.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Arkansas?

Mr. LENROOT. I yield.

Mr. ROBINSON. With the indulgence of the Senator from Wisconsin, I hope the Senate will not get into a frame of mind now that will prevent it from transacting the business which everybody knows ought to be performed, and I very much fear that is what is about to occur.

In my opinion, the unanimous-consent request submitted by the Senator from Kansas ought to have been entered into. I very much regret that the Senator from Tennessee found it his duty to object to that request. There are on the calendar a large number of bills and joint resolutions which have not been called and for the consideration of which no opportunity has been given. This is the next to the last day of the session, and the business of the Senate is constantly becoming more and more congested. There are some resolutions and some House bills on the calendar which have not yet been called and which in all probability will not be reached, to which no objection will be urged, to which no objection can be urged.

Mr. President, I have no objection to the passage of the pending bill. I think, inasmuch as it has been brought before the Senate, it ought to be disposed of, and then I think the Senate ought to enter into some sort of an agreement which will enable it to transact the business that can be transacted.

Mr. LENROOT. If the Senator desires to submit another unanimous-consent request, I will yield for that purpose.

Mr. McKELLAR. My purpose in objecting awhile ago——

Mr. ROBINSON. I will submit a request for unanimous consent if the Senator will yield.

Mr. LENROOT. I yield for that purpose.

Mr. ROBINSON. I ask that after the pending bill has been disposed of the Senate shall proceed to the consideration of unobjected bills, resolutions, and joint resolutions on the calendar, commencing with Calendar No. 1135, which is the number where the Senate last left off. I submit that request.

Mr. FRELINGHUYSEN. I object.

The PRESIDING OFFICER. Objection is made.

Mr. HEFLIN and Mr. McKELLAR addressed the Chair.

The PRESIDING OFFICER. Will the Senator from Wisconsin yield; and if so, to whom?

Mr. LENROOT. I yield to the Senator from Alabama.

Mr. HEFLIN. I want to be heard on this question.

Mr. LENROOT. I quite appreciate the situation; yet the Senator from Arkansas recognizes that the Senate by a very large majority expressed itself a few minutes ago as not being

concerned greatly about the passage of bills which have some opportunity of becoming laws.

Mr. ROBINSON. Will the Senator yield further?

Mr. LENROOT. I yield.

Mr. ROBINSON. So long as the Senate is proceeding under an order which contemplates that motions may be made to take up bills it is not to be expected that Senators will vote against the consideration of bills they favor. That is not the practice. The intelligent course to pursue, if Senators want measures on the calendar considered, is to enter into a unanimous-consent agreement for that purpose. Senators who want to defeat resolutions and joint resolutions and bills in which they are interested are doing it now, for the last opportunity to consider them is at hand, or well-nigh at hand.

Mr. LENROOT. That is exactly the situation; but a majority of the Senate have voted that they were not concerned in the Senate passing bills which could become laws.

Mr. ROBINSON. Will the Senator yield?

Mr. BURSUM. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from New Mexico rises to a question of order. The Senator will state his point of order.

Mr. BURSUM. My understanding is that up until 1 o'clock, under Rule VIII, we are subject to the five-minute restriction.

The PRESIDING OFFICER. That is true in regard to bills taken up by unanimous consent, but not when bills are taken up on motion, as this bill has been taken up. The Presiding Officer ruled it that way just a few days ago.

Mr. FRELINGHUYSEN. Mr. President——

Mr. LENROOT. I yield.

Mr. FRELINGHUYSEN. I think every Senator in this body will agree that I have not been an obstructionist at any time in my whole term of service here. I have a bill similar in character to the one now under consideration. I think it is manifestly unfair to pass one of those bills and put another over under objection. I have hesitated to object, and I wish to withdraw my objection——

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. As the Chair understands, the Senator from Arkansas wishes to have the Chair submit his unanimous-consent agreement.

Mr. NORRIS. Will the Senator from Wisconsin yield to me to submit a unanimous-consent agreement?

Mr. LENROOT. I yield.

Mr. NORRIS. I ask unanimous consent——

The PRESIDING OFFICER. There is one unanimous-consent request now pending. Is there objection to the request?

Mr. McKELLAR. Mr. President, I objected to the unanimous-consent request this morning because it seemed to me that certain Senate resolutions, in two of which I am interested, ought to be considered by the Senate before it adjourns, and I did not know whether they could be considered under the proposed agreement. In view of what has been said, I will withdraw the objection I made. As I understand it, the unanimous-consent request was that we consider unobjected bills——

Mr. ROBINSON. Until 1 o'clock.

Mr. McKELLAR. But after 1 o'clock, how long?

Mr. ROBINSON. It was not to run after 1 o'clock.

Mr. McKELLAR. I withdraw the objection.

The PRESIDING OFFICER. As the Chair understands the request of the Senator from Arkansas, it is that upon the disposition of the pending bill the Senate will proceed to the consideration of unobjected bills, House resolutions, and Senate resolutions, on the calendar, beginning with Calendar No. 1136.

Mr. McKELLAR. During the morning hour?

The PRESIDING OFFICER. During the morning hour. Is there objection?

Mr. SHORTRIDGE. I object for the moment.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Objection is made. The Senator from Wisconsin has the floor.

Mr. NORRIS. He has yielded to me.

Mr. LENROOT. I yield.

Mr. NORRIS. I ask unanimous consent that all speeches on the pending bill be limited to two minutes.

The PRESIDING OFFICER. Is there objection?

Mr. LENROOT. I object.

Mr. NORRIS. I thought the Senator was very anxious to get along.

Mr. LENROOT. I was.

Mr. NORRIS. He has gotten over that.

Mr. LENROOT. No; I have not. The Senate has determined by vote, and by a large majority, that we should spend the time of the Senate in doing utterly useless and futile things, and if that is so, we might as well debate the merits of this measure at length, even though it takes until 1 o'clock.

Mr. COUZENS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Michigan?

Mr. LENROOT. I yield.

Mr. COUZENS. I wish to say that the Senator from New Jersey [Mr. FRELINGHUYSEN] raised a question a short time ago about having an interest in these relief bills, and the inference was that those who oppose proceeding with the relief bills are opposed to the relief. I want to say that I am just as interested as any Senator here in relieving these injured service men of the country, but I am unalterably opposed to merely going through the form of pretending that we are interested in the relief of the men, when we know that the bills can not at this late time in the session be passed by the House of Representatives. So what is the use of wasting the time of the Senate in trying to pretend that we are interesed in his relief, when we know that no relief can be had during this session of Congress?

Mr. LENROOT. Mr. President, I think I can answer the question of the Senator from Michigan. What is the desire here now?

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator yield?

Mr. LENROOT. Let me finish this statement. What is the desire now of the Senator from Nebraska? Of course, he knows that this bill can not become a law, but what is desired, no doubt, is that at the next session, the Senate having voted a certain sum, irrespective of the judgment of any committee as to the extent of the injury involved, he will have a precedent for having the Senate pass a bill at that time carrying the same sum.

No committee has considered the extent of the injury. The committee considered only whether the case came within the law governing retirement, and properly so, if we are to have that policy; but if we are to go to a pension policy—and that is the only proper policy in these cases—the committee can examine into the extent of the injury, determine the proper amount of compensation, and the Senate ought not to be tied up in the future by a provision such as the Senator now seeks to have passed.

Mr. WALSH of Montana and Mr. NORRIS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield; and if so, to whom?

Mr. LENROOT. I yield to the Senator from Montana.

Mr. WALSH of Montana. I observed that the Senator from California [Mr. SHORTRIDGE] objected to the unanimous-consent request just preferred. Everybody recognizes that it is a waste of time we are indulging in this morning. I should like to inquire of the Senator from California what is the nature of his objection?

Mr. SHORTRIDGE. If the Senator from Wisconsin will permit me——

Mr. LENROOT. I yield.

Mr. SHORTRIDGE. I have waited here on two different days for hours to reach Order of Business 1136 on the calendar, in which I am very deeply interested.

Mr. LENROOT. Is that a Senate bill or a House bill?

Mr. SHORTRIDGE. It is a Senate bill; but permit me to explain why I have objected. It will take me but a moment. Lieutenant MacDonald, a brave man——

Mr. WALSH of Montana. Let me inquire of the Senator if he anticipates that some objection will be made?

Mr. SHORTRIDGE. I can not imagine that there would be any.

Mr. WALSH of Montana. Then the Senator will expedite consideration by agreeing to the unanimous-consent request.

Mr. SHORTRIDGE. That may be; but let me explain myself, if the Senator from Wisconsin will permit me. During a state of war, in active service——

Mr. ROBINSON. Mr. President, I object to the discussion of the merits of a bill that is not before the Senate.

Mr. SHORTRIDGE. I am not discussing the merits of the bill, I am answering a question of the Senator from Montana.

Mr. NORRIS. Mr. President, if we are going to be technical, I rise to a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. LENROOT. I decline to yield further.

Mr. NORRIS. The Senator from Wisconsin has no right to farm out the time and hold the floor himself for carrying on his little one-man filibuster.

The PRESIDING OFFICER. The point of order is well taken.

Mr. HEFLIN. Mr. President——

Mr. LENROOT. I decline to yield. If I recollect the bill of the Senator from California—and I think I do—it is a very striking illustration of what this policy will lead to. As I recollect the bill of the Senator from California, it was the case of an officer having ankylosis. Am I correct?

Mr. SHORTRIDGE. The Senator is correct.

Mr. LENROOT. He had trouble with his ankle; yet under the bill now before the Senate it is proposed to give him a higher compensation than we give to a man with a total disability, who was in the enlisted ranks. If this precedent be established, I expect the Senator from California will propose $72 a month for the officer in whom he is interested, although the only injury he has is ankylosis, incapacitating him for military or naval service.

Mr. President, it is worth while, as long as we are going to discuss bills which can not become laws, to discuss somewhat the policy the Senate proposes to enter into. My objection is that upon this matter of compensation we should have information as to the extent of the disability. There is no word in the report upon the bill that is now before the Senate as to the extent of the disability, except that the man is totally incapacitated for military or naval service.

So, Mr. President, my objection is not to giving compensation to these men at a time when it is possible to do something for them, but this is not the time, and when we do give it we should have a report from a proper committee as to the extent of the injury and what in the judgment of the committee would be a proper compensation. Here the bill comes before the Senate. I do not know what rank the officer held, but as the bill was originally proposed, as the Senator from Nebraska would favor it, it would give to the officer two or three or four times the compensation a private soldier or a marine would receive for exactly the same disability. I can not stand here and countenance, so far as my vote is concerned, any such discrimination against a private soldier. The Senator from Nebraska may do so if he chooses.

Mr. NORRIS. Mr. President——

Mr. LENROOT. I yield to the Senator from Nebraska.

Mr. NORRIS. I thought the Senator had yielded the floor.

Mr. LENROOT. No; I have not.

So much for that branch of the matter. Next, as to the dating of the pension back to the time of the injury: I challenge any Senator to give any reason why in the case of the World War we should give pensions back to the time of the injury if we do not, as we have not, pursue the same practice with regard to soldiers and sailors of the Civil War and of the Spanish-American War.

Mr. WADSWORTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from New York?

Mr. LENROOT. I yield.

Mr. WADSWORTH. The Senator should recollect also that the officer in question was paid at the full rate of his grade until the time of his discharge.

Mr. NORRIS. This does not go back of the discharge.

Mr. WADSWORTH. I know; but the Senator adverted to the proposal of the Senator from Nebraska as to the date from which the man should be paid on account of his injury. As a matter of fact, between the moment of the injury and the moment of discharge many months may elapse during which the man is on a full-pay basis.

Mr. LENROOT. May I have the bill reported as to the time when the pension would take effect? I would like to inquire as to the time under the proposed amendment.

The READING CLERK. The amendment reads "dating from the date of his discharge from the Navy," which the senior Senator from Utah [Mr. SMOOT] has moved to strike out.

Mr. LENROOT. It does not seem to me that the Senate ought to settle that policy now. If we do, what excuse are we going to give for special bills for soldiers of the Civil War from now on as to why their pensions should not date back to 1865, a pension, if you please, of $50 or more a month, $600 a year, for a period of more than 50 years.

Mr. SHORTRIDGE. Mr. President, will the Senator yield for just a moment?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from California?

Mr. LENROOT. Very well; I yield.

Mr. SHORTRIDGE. In order to make haste, I will withdraw my objection if it stands in the way of adopting the proposed unanimous-consent agreement.

Mr. ROBINSON. Mr. President——

Mr. LENROOT. I yield to the Senator from Arkansas.

Mr. ROBINSON. Once more I am going to submit the request for unanimous consent. I renew the request I have twice before made; and unless it is accepted this time we might as well stop pretending to work and, like little children, go on playing. I ask for the present consideration of the unanimous-consent request which I stated a moment ago, and which I will restate if anyone desires.

The VICE PRESIDENT. Is there objection to the unanimous-consent request submitted by the Senator from Arkansas?

Mr. HEFLIN. Does the acceptance of the agreement interfere with the disposition of the measure now before the Senate? It will not cut off debate on that measure?

Mr. ROBINSON. No; it is not so intended.

Mr. SPENCER. Mr. President——

Mr. LENROOT. Will not the Senator from Missouri wait until the unanimous-consent agreement is entered into?

Mr. SPENCER. I desire to say something with reference to the unanimous-consent agreement.

Mr. MCNARY. Mr. President, I would like to have the proposed unanimous-consent agreement stated.

The VICE PRESIDENT. The proposed unanimous-consent agreement will be stated.

The ASSISTANT SECRETARY. It is proposed by the Senator from Arkansas that after the bill under consideration is disposed of the Senate shall proceed to the consideration of unobjected House bills, joint resolutions, and resolutions on the calendar, beginning with No. 1136.

Mr. MCNARY. That does not give much comfort to those who have bills on the calendar that might be considered if we were working under Rule VIII. If I knew or had some assurance——

Mr. ROBINSON. Mr. President——

Mr. MCNARY. Please let me finish my statement. If I had any assurance that we would return to the calendar under Rule VIII I would not object, but some time I want to go through the calendar under Rule VIII so that we may move to take up bills that are objected to.

Mr. ROBINSON. There will be no objection to that if the time affords an opportunity to do it. The Senate has now consumed an hour and five minutes and has taken no action upon any measure. This is next to the last day of the session. If the bills that have never been called are to have their chance for disposition, they ought to be called immediately. I have no objection subsequently to proceeding to the consideration of other bills on the calendar if the Senate finds it profitable to do so. I am simply trying to prevent the Senate from wasting its valuable time in the consideration of matters which we all know can not be disposed of by the body at the other end of the Capitol.

Mr. FRELINGHUYSEN. Mr. President, will not the Senator consent to have Senate bills included? They would go over on objection.

Mr. ROBINSON. Yes; I will modify the request so as to include all unobjected bills on the calendar.

The VICE PRESIDENT. Is there objection?

Mr. GOODING. Mr. President, I will have to object. I have a bill on the calendar in which I am very much interested, and a Senator objected to it the other day. I am quite sure he would not object to it to-day. It is a bill in which a neighbor of mine is interested, and I want the Senate to take some action on it.

Mr. LENROOT. If it is not objected to, the Senator will have a chance to have action on it.

Mr. GOODING. But it has been objected to.

Mr. ROBINSON. Very well. I have no interest in any bill on the calendar. I am simply moving in the interest of orderly and decent procedure. If Senators want to make a farce of the business of the Senate and act like little children with half intelligence they can do it. I propose that an opportunity shall be given to dispose of business to which there is no objection, and then if any Senator can get the floor and move to proceed to the consideration of his bill, I shall have no objection. I shall be glad to see accomplished anything the Senator from Idaho desires to accomplish, if it can be done.

Mr. GOODING. I have no desire to delay the passage of bills, and with that understanding I will withdraw my objection.

The VICE PRESIDENT. Is there objection to the unanimous-consent request submitted by the Senator from Arkansas?

Mr. SPENCER. Mr. President, I want to submit to the Senator from Arkansas this fact: There is upon the calendar an omnibus bill reported from the Committee on Indian Affairs, to which the committee has given considerable attention. Of

course, if there are any items of the bill to which serious objection is made they can be eliminated.

Mr. ROBINSON. Will the Senator pardon an interruption?

Mr. SPENCER. May I finish my statement?

Mr. ROBINSON. Certainly.

Mr. SPENCER. But that bill ought not to be put in a position where any single Senator may prevent the Senate from proceeding to its consideration.

Mr. ROBINSON. The only effect of the agreement is to utilize the small remaining part of the morning hour. Now, the Senator can move to proceed to the consideration of the bill, if he desires to do so, at any time that he can get the floor, but it is perfectly apparent that his bill could not be disposed of within the morning hour to-day. We ought to take the 50 minutes remaining before 1 o'clock to dispose of matters that are not objected to. It is in the power of any Senator who chooses to do so to continue the useless waste of time of the Senate, but I ask for the submission of my unanimous-consent request.

Mr. SPENCER. May I ask what number on the calendar we are now considering?

The VICE PRESIDENT. Calendar No. 1135.

Mr. SPENCER. I withdraw my objection.

The VICE PRESIDENT. Is there objection to the request of the Senator from Arkansas?

Mr. HARRISON. I am not going to object, but I want to reserve the right to do so for just a moment. This little snarl has come about because Senators who have voted against recommitting the shipping bill time after time have brought it upon us. We pointed out weeks and months ago that if the passage of the ship subsidy bill was insisted on this situation would arise and bill after bill would be defeated. So those Senators who sat here by day and by night voting against the motion to recommit and trying to put the ship subsidy bill over are now responsible for the failure of bills in which they are interested, and they will have that matter to explain to their constituents.

The VICE PRESIDENT. Is there objection to the unanimous-consent request of the Senator from Arkansas? The Chair hears none, and the unanimous-consent agreement is entered into.

Mr. LENROOT. Now, Mr. President——

Mr. NORRIS. Mr. President, I make the point of order that the Senator from Wisconsin has lost the floor long ago.

The VICE PRESIDENT. The Chair does not understand the reason for the point of order.

Mr. NORRIS. In the first place, I objected to the Senator farming out the time awhile ago. There has been action by the Senate and numerous speeches made by other Senators in the meantime, and he still holds the floor to the exclusion of everybody else.

The VICE PRESIDENT. The Chair inquires of the Senator from Wisconsin whether he has spoken more than the number of times permitted under the rule?

Mr. LENROOT. I did not understand the statement of the Chair.

The VICE PRESIDENT. Has the Senator exhausted the number of times he is permitted to speak under the rule?

Mr. LENROOT. He has not. The Senator from Wisconsin yielded for the purpose of having a unanimous-consent request submitted. The Senator from Nebraska may attempt to take advantage of yielding for the purpose of expediting business if he wishes to do so. That is his prerogative.

Mr. NORRIS. That is what I wanted. I want to stop the filibuster.

Mr. LENROOT. There is no filibuster except that the Senator from Nebraska is trying to get the Senate to do a useless thing in order to create a precedent for the future.

Now, Mr. President, I am going to conclude in just a moment by saying that I hope the amendment proposed by the senior Senator from Utah [Mr. SMOOT] will be agreed to, and that we will do by this man what we have done for the soldiers and sailors of the Civil War and the Spanish-American War in this regard.

Further, I want to suggest that at the next session, when similar bills come before the committee, as they will, the committee should consider the extent of the disability and make recommendation as to what is the proper amount of compensation, and I shall then cheerfully support them.

Mr. HEFLIN. Mr. President——

Mr. LENROOT. I do not yield. The reason why I have taken the time is that if the unanimous-consent agreement had not been entered into there would have been like motions on numberless other Senate bills, and I wanted to give notice that if the Senate was going to vote to take up bills that could not possibly become laws, they themselves in so voting were preventing the consideration of House bills that ought to be considered by the Senate.

Mr. NORRIS and Mr. HEFLIN addressed the Chair.

The VICE PRESIDENT. The Senator from Nebraska is recognized.

Mr. NORRIS. Mr. President, if it had not been for the Senator from Wisconsin, we would have disposed of the bill long ago. I presume I ought to remain quiet under his castigation and not say anything in reply and permit action by the Senate. But I feel that I am justified in saying a few words in reply, because of what he has said and the insinuations he has cast, unfounded, unreasonable, and discourteous as they are.

All at once the Senator from Wisconsin has become virtuous. His virtue is paraded here. He does not want to consider a bill where the committee has not considered the evidence of the disability. That is true, as a matter of fact. The bill was introduced on a different theory. When it was brought up and the new theory was suggested, and the Senator from New York [Mr. WADSWORTH] offered the amendment that was finally agreed to, I not only did my best to expedite it but I supported the amendment. I acted in good faith. After Senators had debated it to a considerable extent, I accepted the verdict, and I offered an amendment to make the bill cover the points at issue.

The Senator from Wisconsin was voting for that amendment. He did not see then the necessity of sending it back to the committee to get evidence. It was somebody else's bill then. It was all right to take that step then. He, like I, supported the Senator from New York in the motion that he made. We voted for the amendment. Like myself, he voted for the other bill. Now he is condemning such action as a most vicious practice when it is applied to somebody else's bill or to some other soldier who has been injured.

Mr. President, the contention as to his getting double pay is not well founded, for the bill provides, just as the other bill did, that his pay shall commence from the date of discharge.

Mr. HEFLIN. Mr. President, it may be unpopular with some in the closing hours of this session to take up the time of the Senate pleading for aid for a disabled soldier, but I intend to insist that favorable action be had on this bill to-day. The Senator from Wisconsin tells us that we are undertaking to do an utterly useless and futile thing. I do not agree with the Senator from Wisconsin. The Senate owes it to this soldier to pass this bill. Then the responsibility for failure to pass it through the House will be upon that body. If the Republican Party, in power in both branches of Congress, with two more days and nights remaining of this session, can not put through a little bill to pay a disabled soldier who has practically lost his leg, who is without means—a poor, unfortunate fellow—if that party can not halt other business long enough to extend a helping hand to this poor boy who offered to die for his country, then that party is contemptible and impotent.

Are we doing something that is utterly useless and futile? Senators, what are we thinking about? Do you want to send the message to this poor, afflicted boy that you would not halt the proceedings of the Senate long enough to pass a bill of this character? The Government, when our liberty was imperiled, took time enough to go to his home and to bring him out to join the ranks of his comrades and to stand between us and the overthrow of our Government, but we have not time now to do this act of justice. Senators are anxious to get some measure on the calendar jammed through the Senate in the closing hours, and a disabled soldier, poverty stricken, may do the best he can for nine months to come before another Congress convenes. God of the Republic, have mercy upon those who contend for such a course.

Futile! Why futile? The Senator from Nebraska is asking for a small sum for this man who has lost his leg. He is not to blame for losing his leg. He lost it in the service of his country. In the closing hours of the Senate Senators are criticized and lectured for pausing long enough to demand justice for this soldier who was stricken down while serving his country in the hour of its peril.

The junior Senator from Michigan [Mr. COUZENS] has said there is no use to lose time with a bill which can not be passed. Why can not Congress pass it? If we pass the bill here and some one makes an appeal to those in authority in the House, if they have any heart, can they not go upon the floor of the House and, because of the merit and emergency character of the measure, ask unanimous consent of the House to pass the bill? If any man in the House should object, I want the RECORD to show it and let the people back home know that he objected and kept this boy out of the aid to which he is entitled for nine long months. I would like to see the Senator or Member of the

House who would deny this crippled soldier boy the meager means here asked for to aid in his support. Such a one should be condemned by his people at home. Does not the service of this boy and the condition of this boy appeal to us?

Freeze, freeze, oh bitter sky
That dost not bite so nigh
As benefits forgot.
Though thou the waters warp,
Thy sting is not so sharp
As friends remembered not.

This boy is an American patriot and an American soldier, and, as I have said, was injured in the service of his country. The Republican Party in control of Congress can find time to pass through the House and try to pass through the Senate a bill appropriating $5,000,000 to Liberia to enable her to pay debts which are due by her to Wall Street—your party had time to do that; I did not hear any one of you criticizing it either—the Republican Party in control of Congress had time to vote $20,000,000 aid to Russia, and not one of you chirped on that; but you have not time to pay a disabled soldier who is lying on his bed with his leg broken a few dollars to keep him from starving. I have not any patience with any such conduct or patriotism.

Now, Senators ask what good it would do to pass the bill if it should fail in the other House? I will tell Senators what good it will do. If the Senate approves the measure and goes on record as voting for the appropriation asked for, that action alone would enable this boy to borrow money, to get aid from somebody during the next nine months until Congress reconvenes. I beg you, Senators, to do that much for this boy.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah [Mr. SMOOT] to the amendment of the Senator from Nebraska [Mr. NORRIS], which will be stated.

The ASSISTANT SECRETARY. It is proposed to amend the amendment by striking out the words "dating from the date of his discharge from the Navy."

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 8086) to prohibit the shipment of filled milk in interstate or foreign commerce.

The message also announced that the House had agreed to the amendment of the Senate to the concurrent resolution (H. Con. Res. 53) providing for a special joint committee of the Senate and House of Representatives to investigate employment of prisoners at Leavenworth, Kans., and McNeil Island, Wash., and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the joint resolution (H. J. Res. 422) permitting the entry free of duty of certain domestic animals which have crossed the boundary line into foreign countries; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. GREEN of Iowa, Mr. LONGWORTH, Mr. HAWLEY, Mr. COLLIER, and Mr. OLDFIELD were appointed managers on the part of the House at the conference.

The message also announced that the House had passed without amendment the bill (S. 2051) to amend section 3142 of the Revised Statutes, to permit an increase in the number of collection districts for the collection of internal revenue and in the number of collectors of internal revenue from 64 to 65.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 14408) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MADDEN, Mr. ANTHONY, and Mr. BYRNS of Tennessee were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker pro tempore of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 4122. An act granting the consent of Congress to the Interstate Toll Bridge Co. for construction of a bridge across Red River between Montague County, Tex., and Jefferson County, Okla.;

S. 4235. An act granting consent of Congress to the Charlie Bridge Co. for construction of a bridge across Red River between Clay County, Tex., and Cotton County, Okla.;

S. 4387. An act to authorize the building of a bridge across the Tugaloo River between South Carolina and Georgia;

H. R. 7851. An act to amend an act entitled "An act to amend an act entitled 'An act to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes,'" approved September 1, 1916, so as to provide for the terms of the district court to be held at Spartanburg, S. C.;

H. R. 8086. An act to prohibit the shipment of filled milk in interstate or foreign commerce;

H. R. 11477. An act granting the consent of Congress to the Freeburn Toll Bridge Co. to construct a bridge across the Tug Fork of Big Sandy River, in Pike County, Ky.;

H. R. 11939. An act to amend section 5219 of the Revised Statutes of the United States; and

H. R. 13205. An act for the relief of the American Trust Co.

DEFICIENCY APPROPRIATION.

Mr. WARREN. I ask the Chair to lay before the Senate the action of the House of Representatives on the deficiency appropriation bill.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 14408) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments, that the request of the House for a conference be granted, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. WARREN, Mr. CURTIS, and Mr. OVERMAN conferees on the part of the Senate.

FUNERAL OF THE LATE REPRESENTATIVE W. BOURKE COCKRAN.

The VICE PRESIDENT appointed Mr. WADSWORTH, Mr. CALDER, Mr. ROBINSON, Mr. WATSON, Mr. WALSH of Montana, and Mr. WALSH of Massachusetts as the committee on the part of the Senate to attend the funeral of the late Representative W. BOURKE COCKRAN under the resolution (S. Res. 464) unanimously adopted by the Senate on yesterday.

MEMBER OF JOINT COMMISSION ON POSTAL SERVICE.

The VICE PRESIDENT appointed Mr. EDGE a member of the Joint Commission on Postal Service, vice Mr. TOWNSEND (chairman), resigned.

DEPARTMENTAL USE OF AUTOMOBILES.

The VICE PRESIDENT laid before the Senate a communication from the First Assistant Secretary of the Interior, in further response to Senate Resolution 399, agreed to January 6, 1923, transmitting data relative to motor-driven vehicles in use by the department in the field service of the General Land Office, the Indian Office, the Geological Survey, the Reclamation Service, the Bureau of Mines, and the National Park Service, which, with the accompanying papers, was ordered to lie on the table.

EMPLOYMENT OF FEDERAL PRISONERS.

The VICE PRESIDENT. Pursuant to the provisions of House Concurrent Resolution 53, to create a joint committee of the Senate and House of Representatives to determine what employment can be furnished Federal prisoners, and for other purposes, the Chair appoints the following Senators members of the special joint committee on the part of the Senate: Mr. DILLINGHAM, Mr. SHORTRIDGE, and Mr. OVERMAN.

INVESTIGATION OF UNITED STATES VETERANS' BUREAU.

The VICE PRESIDENT. Pursuant to the provisions of Senate Resolution 466, authorizing the appointment of a committee to investigate the leases and contracts executed by the United States Veterans' Bureau, and for other purposes, the Chair appoints the following Senators as members of the committee: Mr. REED of Pennsylvania, Mr. ODDIE, and Mr. WALSH of Massachusetts.

REPORT OF COLORADO RIVER COMMISSION.

The VICE PRESIDENT laid before the Senate a communication from Hon. Herbert Hoover, chairman of and Federal representative on the Colorado River Commission, transmitting, pursuant to law, a report of the proceedings of the commission and a copy of the "Colorado River Compact," which was referred to the Committee on Irrigation and Reclamation.

DISTRICT COURT AT SPARTANBURG, S. C.

Mr. OVERMAN. I ask unanimous consent, from the Committee on the Judiciary, to report back favorably without amendment the bill (H. R. 7851) to amend an act entitled "An act to amend an act entitled 'An act to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes,'" approved September 1, 1916, so as to provide for the terms of the district court to be held at Spartanburg, S. C.

The VICE PRESIDENT. Without objection, the report will be received.

Mr. SMITH. I ask unanimous consent for the present consideration of the bill. It simply designates a city in my State as a place where a term of the Federal court may be held. The passage of the bill is recommended by the Attorney General.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That section 5 of an act entitled "An act to amend an act entitled 'An act to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes,'" approved September 1, 1916, be, and the same is hereby, amended by inserting after the words "fourth Tuesday in May and November" the words "and at Spartanburg, on the third Tuesday in February and second Tuesday in December" so as to read as follows:

"SEC. 5. That the terms of the district court for the eastern district shall be held at Charleston on the first Tuesday in June and December; at Columbia, on the third Tuesday in January and first Tuesday in November; at Florence, first Tuesday in March; and at Aiken, on the first Tuesday in April and October.

"Terms of the district court of the western district shall be held at Greenville on the first Tuesday in April and the first Tuesday in October; at Rock Hill, the second Tuesday in March and September; at Greenwood, the first Tuesday in February and November; at Anderson, the fourth Tuesday in May and November; and at Spartanburg, on the third Tuesday in February and second Tuesday in December.

"The office of the clerks of the district court for the western district shall be at Greenville, and the office of the clerk of the district court for the eastern district shall be at Charleston."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGE ACROSS TUG FORK OF BIG SANDY RIVER, KY.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 11477) granting the consent of Congress to the Freeburn Toll Bridge Co. to construct a bridge across the Tug Fork of Big Sandy River, in Pike County, Ky., and I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Freeburn Toll Bridge Co. and its successors and assigns to construct, maintain, and operate a bridge and approaches thereto across the Tug Fork of Big Sandy River at a point suitable to the interests of navigation at or near the mouth of Peter Creek, in the county of Pike, in the State of Kentucky, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

GORDON G. MACDONALD.

The bill (S. 3826) for the relief of Gordon G. MacDonald, was announced as next in order on the calendar.

Mr. KING. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

BENJAMIN H. RICHARDSON.

The bill (S. 3895) for the relief of Benjamin H. Richardson was announced as next in order.

Mr. KING. I ask that that bill go over.

Mr. FRELINGHUYSEN. If the Senator will withhold his objection for a moment, I merely wish to state that that bill is similar to the one which has just been passed. It was reported by the Committee on Naval Affairs, and I will offer the same amendment to this bill that was offered to the bill which the Senate acted upon a few moments ago, if the Senator will withdraw his objection.

Mr. KING. With that understanding, I will withhold the objection.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. FRELINGHUYSEN. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. It is proposed to strike out all after the enacting clause and to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin H. Richardson, late lieutenant, junior grade, United States Naval Reserve Force, and pay him a pension at the rate of $72 per month, dating from the date of his discharge from the Navy.

Mr. LENROOT. Mr. President, I should like to ask the Senator from New Jersey what the extent of the injury is in that case?

Mr. FRELINGHUYSEN. The report of the Committee on Naval Affairs, as I recall, does not specify the nature of the injury, but I am informed by a member of his family that his back was injured, that he was operated on two years after the injury, and that to-day his disability is nearly permanent. I have been trying to get a report on his injury.

Mr. LENROOT. Mr. President, that only illustrates what we are doing in fixing compensation without knowing anything about the extent of the injury.

Mr. SMOOT. I will inquire of the Senator if this is Order of Business No. 1136?

Mr. FRELINGHUYSEN. Yes.

Mr. SMOOT. I will say to the Senator that the report indicates that—

He is suffering from deformity of bones of the right leg with resulting inversion of foot.

Mr. FRELINGHUYSEN. I understood from a member of his family that the injury was to his hip and back.

Mr. SMOOT. The report shows that the only injury is to a few bones in his leg.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New Jersey.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SMOOT subsequently said: Mr. President, so that the RECORD may be correct, I desire to say that I asked the Senator from New Jersey when we were considering Senate bill 3895 if it was Order of Business 1136, and he answered yes. I now find that the Senator from New Jersey probably spoke inadvertently, because the calendar number of the bill is 1137, and the report of the committee on that bill does not show the nature of the injury to the soldier. I simply wish to have the RECORD correct and therefore make this statement.

AMERICAN TRUST CO.

Mr. OVERMAN. Mr. President, I should like to ask the indulgence of the Senate for the consideration out of order of a bill on the calendar. The Senate has appointed me a member of the conference committee on the deficiency appropriation bill, and I have been called to attend a meeting of the conferees. The bill to which I refer authorizes the Secretary of the Treasury, under proper safeguards, to redeem certain certificates of indebtedness which were lost, destroyed, or stolen. I ask unanimous consent for the immediate consideration of the bill (H. R. 13205) for the relief of the American Trust Co.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem United States Treasury certificates of indebtedness Nos. 18462, 18463, 18464, and 18465, each in the denomination of $1,000, series TM4–1920, dated February 2, 1920, and maturing March 15, 1920, with interest at the rate of 4½ per cent per annum from February 2, 1920, to March 15, 1920, in favor of the American Trust Co., of Charlotte, N. C., or its assigns, without presentation of the said certificates, the certificates of indebtedness having been lost, stolen, or destroyed: *Provided*, That the said certificates of indebtedness shall not have been previously presented for payment, and that no payment shall be made hereunder for any coupons which shall have been previously presented and paid: *And provided further*, That the said American Trust Co., of Charlotte, N. C., shall first file in the Treasury Department a bond in the penal sum of double the amount of the lost, stolen, or destroyed Treasury certificates of indebtedness and the interest payable thereon, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to

indedmnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed certificates of indebtedness herein described.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDICTMENTS FOUND BY GRAND JURIES.

The bill (S. 4438) to amend section 1025 of the Revised Statutes of the United States was considered as in Committee of the Whole. The bill had been reported from the Committee on the Judiciary with amendments on page 2, at the beginning of line 1, to strike out "clerks or"; in line 2, after the word "Government," to strike out "in a clerical capacity, who shall, in that connection, be deemed to be persons acting for and on behalf of the United States in an official capacity and function," and to insert "who (such stenographers) shall be sworn to secrecy concerning the proceedings and evidence produced before the grand jury"; so as to make the bill read:

Be it enacted, etc., That section 1025 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 1025. No indictment found and presented by a grand jury in any district or other court of the United States shall be deemed insufficient, nor shall the trial, judgment, or other proceeding thereon be affected, by reason of any defect or imperfection in matter of form only, which shall not tend to the prejudice of the defendant, or by reason of the attendance before a grand jury of one or more stenographers employed to assist the district attorney or other counsel for the Government who (such stenographers) shall be sworn to secrecy concerning the proceedings and evidence produced before the grand jury."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF JUDICIAL CODE.

The bill (S. 4437) to amend section 284 of the Judicial Code of the United States was considered as in Committee of the Whole. The bill was read, as follows:

Be it enacted, etc., That section 284 of the Judicial Code of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 284. No grand jury shall be summoned to attend any district court unless the judge thereof, in his own discretion or upon a notification by the district attorney that such jury will be needed, orders a venire to issue therefor. If the United States attorney for any district which has a city or borough containing at least 300,000 inhabitants shall certify in writing to the district judge or the senior district judge of the district that the exigencies of the public service require it, the judge may, in his discretion, also order a venire to issue for a second grand jury. And said court may in term order a grand jury to be summoned at such time, and to serve such time as it may direct, whenever, in its judgment, it may be proper to do so. And such judge may, upon request of the district attorney or of the grand jury or on his own motion, by order authorize any grand jury to continue to sit during the term succeeding the term at which such request is made, solely to continue business unfinished by such grand jury: *Provided, however*, That no grand jury shall be permitted to sit in all during more than three terms. But nothing therein shall operate to extend beyond the time permitted by law the imprisonment before indictment found of a person accused of a crime or offense, or the time during which a person so accused may be held under recognizance before indictment found."

Mr. KING. May I inquire of the Senator from Montana to what extent the bill proposes to amend the present law?

Mr. WALSH of Montana. The change commences in line 7, page 2, with the word—

And such judge may, upon request of the district attorney, or of the grand jury, or on his own motion—

And so forth.

Under the existing law the grand jury would expire with the expiration of the term. This bill will permit a grand jury called at one term to continue on during the next term in order to complete its unfinished business.

Mr. KING. That is the only change?

Mr. WALSH of Montana. That is the only change.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF TRANSPORTATION ACT OF 1920.

The bill (H. R. 14309) to amend section 206 of the transportation act, 1920, was considered as in Committee of the Whole. The bill was read, as follows:

Be it enacted, etc., That section 206 of the transportation act, 1920, is amended by adding at the end thereof two new subdivisions to read as follows:

"(h) Actions, suits, proceedings, and reparation claims, of the character described in subdivision (a), (c), or (d), properly commenced within the period of limitation prescribed, and pending at the time this subdivsion takes effect, shall not abate by reason of the death, expiration of term of office, retirement, resignation, or removal from office of the Director General of Railroads or the agent designated under subdivision (a), but may (despite the provisions of the act entitled 'An act to prevent abatement of certain actions,' approved February 8, 1899) be prosecuted to final judgment, decree, or award, substituting at any time before satisfaction of such final judgment, decree, or award the agent designated by the President then in office. Nor shall any action, suit, or other proceeding heretofore or hereafter brought by any public officer or official, in his official capacity, to enforce or compel the performance of an obligation due or accruing to the United States arising out of Federal control, abate by reason of the death, resignation, retirement, or removal from office of such officer or official, but such action, suit, or other proceeding may (despite the provisions of such act of February 8, 1899) be prosecuted to final judgment, decree, or award, substituting at any time before satisfaction of any such final judgment, decree, or award the successor in office.

"(i) Orders providing for a substitution in such cases made before this subdivision takes effect by courts having jurisdiction of the parties and subject matter are hereby validated, anything in such act of February 8, 1899, to the contrary notwithstanding. Actions, suits, reparation claims, or other proceedings of the character described in subdivision (h) which have been abated or dismissed solely because of the provisions of such act of February 8, 1899, shall be reinstated upon reasonable notice to the adverse party, and upon proper motion therefor filed within one year from the time this subdivision takes effect."

Mr. KING. Reserving the right to object, I should like to ask the Senator from Iowa to explain the bill.

Mr. CUMMINS. Mr. President, section 206 of the transportation act of 1920 is the section which provides for the bringing of suits against the United States and by the United States against people who may have controversies arising out of the transportation act. It provides that suits against the United States or against the railroads represented by the United States may be brought against the director general. We have had four directors general, and suits have been brought against all of them. It has not been thought necessary by the lawyers who have conducted this litigation to institute a revival of the actions against the several directors general.

Mr. KING. This bill only permits the substitution of one defendant for the other, does it?

Mr. CUMMINS. That is all. It validates the suits that have been brought against Mr. Jones, for instance, when he has passed out of office and Mr. Smith has come in. It validates the judgments that have been rendered, notwithstanding the abatement of the suits which the Supreme Court has recently held has occurred if this substitution has not been made. It changes no man's rights, and it preserves the rights of a great many very worthy people.

Mr. KING. Has the Senator in mind approximately the amount involved in suits by the Government against individuals and suits by individuals against the Government?

Mr. CUMMINS. No; I have not.

Mr. SMITH. Mr. President, if the Senator will allow me, it is in the process of the settlement of the different claims that grew out of Government control.

Mr. CUMMINS. That is all.

Mr. SMITH. That is all that is involved. It is the transference from one director general to another.

Mr. McKELLAR. Mr. President, where suit has already been brought and dismissed, will this have the effect of reviving it?

Mr. CUMMINS. Oh, no. Where an order has been made, whether it was a judgment or not, against Mr. McAdoo as director general, and subsequently Mr. Hines became director general, and no substitution has been made, and the suit has been continued against Mr. McAdoo, it validates that suit.

Mr. McKELLAR. This is what I want to know: Where a suit was brought, say, against Mr. Hines when it ought to have been brought against Mr. McAdoo, and the court has dismissed the suit because it was not brought against the proper person, will this permit the suit to be refiled?

Mr. CUMMINS. I think not.

Mr. McKELLAR. It would not cover such a case?

Mr. CUMMINS. No court has ever made an order of that kind, because it was not supposed until very recently that the director general was an officer of the United States in the sense that there must be a revival of the suit.

Mr. McKELLAR. I know of a case at Birmingham, Ala., where a citizen of Tennessee had sued under the holding of the supreme court; the presiding judge at Birmingham dismissed his suit, and the man apparently is without recourse. I was wondering whether this bill covered a case of that sort, which evidently ought not to have been dismissed on a technicality.

Mr. CUMMINS. If the suit was dismissed on that ground, it would revive the suit.

Mr. McKELLAR. That is all I wanted to know.

The VICE PRESIDENT. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KANSAS CITY, MEXICO & ORIENT RAILROAD.

The bill (S. 4528) for the relief of the Kansas City, Mexico & Orient Railroad of Texas, Oklahoma, and Kansas, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Interstate Commerce with an amendment, to strike out all after the enacting clause and to insert:

That the Interstate Commerce Commission be, and it is hereby, authorized and empowered to certify to the Secretary of the Treasury an additional loan or loans to the receiver of the Kansas City, Mexico & Orient Railroad Co.; and to the Kansas City, Mexico & Orient Railway Co. of Texas, or its receiver if one shall be appointed, from the revolving fund created by and under section 210 of the transportation act, 1920, in the aggregate amount of not to exceed $3,000,000; the time, terms, and conditions of said loan or loans to be fixed by the commission: *Provided*, That such additional loan or loans shall be prior liens upon the property or properties except the lien or liens of the loan or loans heretofore made out of the revolving fund: *Provided further*, That upon investigation said commission shall find and certify that such loan or loans are in the public interest.

Mr. LA FOLLETTE. Mr. President, I will ask the Senator from Texas [Mr. SHEPPARD] to make some explanation of that bill.

Mr. CUMMINS. Mr. President, although I reported the bill from the committee, the Senator from Texas understands the situation as well as I do, and I should be very glad to have him explain it.

Mr. SHEPPARD. Mr. President, the passage of this bill is necessary to avert a widespread calamity to a large territory of the southwestern United States. The Interstate Commerce Commission and the Interstate Commerce Committee, after examining the situation, have found that if this road can make further borrowings from the revolving fund created by the transportation act of 1920 it can, in all probability, repay the moneys already loaned it by the Government and the further loans also. If this is not done, the road will cease to operate.

On account of the diversion of the business of the road under Government operation, the road is having difficulty in regaining that business, and has gone into the hands of a receiver. It can gradually get back that business if it is given these additional loans and become a going concern. The Interstate Commerce Committee says there is ample security for the loans, and that there can be no loss to the Government, but that unless the privilege of making another loan is granted the road will cease to operate. It is a road 735 miles long, serving approximately 500,000 people, with property values aggregating three or four hundred millions in its tributary areas. If the road ceases to operate, it is estimated that the losses to the people of the territory will run into a sum of more than one hundred million dollars; that these property values will shrink to that extent. General suffering and ruin will follow.

Mr. WATSON. Mr. President, has this road hitherto borrowed money from the Government?

Mr. SHEPPARD. It has.

Mr. WATSON. Has it repaid that money?

Mr. SHEPPARD. It has not repaid that money, and the Interstate Commerce Commission says that under present circumstances it can not repay unless further loans are allowed. The time has expired within which loans can be made under existing law.

Mr. SMITH. If the Senator will allow me, in response to the question asked by the Senator from Indiana, I will state that the road was making money up to the time it was taken over by the Government. Under the distribution of freight it seems that the Government diverted it so that the other roads got most of its business; and therefore, after the war was over it could not get back and has not yet been able to get back the business that made it prosperous prior to the time it was taken over by the Government. I have been informed by members of the department having this matter in charge that they are now working toward the end of getting back for it as far as possible its pro rata share of the business. It is a pioneer road that is developing this country; and the committee, after going over the matter, were of opinion that an additional loan to tide them over this time from the revolving fund would enable them once again to do business profitably without sacrificing the road.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was stricken out.

TRAVEL AND SUBSISTENCE OF OFFICERS OF DEPARTMENT OF JUSTICE.

The bill (H. R. 13430) to amend section 370 of the Revised Statutes of the United States was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with an amendment, on page 2, line 2, before the word "while," to insert "per day," so as to make the bill read:

Be it enacted, etc., That section 370 of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

"SEC. 370. Whenever the Solicitor General, an attorney, an assistant attorney, a special assistant to the Attorney General, or any other officer of the Department of Justice is sent by the Attorney General to any State, District, Territory, or country to attend to any interest of the United States the person so sent shall receive, in addition to his salary and the necessary expenses of travel, his actual expenses incurred for subsistence, not to exceed $6 per day while absent from the seat of government, the account thereof to be verified by affidavit."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

SALARIES IN DEPARTMENT OF AGRICULTURE.

The bill (H. R. 10819) relating to the Department of Agriculture was announced as next in order, and was read, as follows:

Be it enacted, etc., That the maximum salary per annum of any scientific investigator, or employee engaged in scientific work and paid from the general appropriations of the Department of Agriculture, shall not exceed $6,500: *Provided*, That no salary shall be paid under this section at a rate per annum in excess of $5,000 except the following: Not more than 12 in excess of $5,000 but not in excess of $5,500 each, and not more than five in excess of $5,500 each.

SEC. 2. That the salaries per annum of the following officers in the Department of Agriculture shall not exceed as follows:

Assistant Secretary, $7,500; director of scientific work, $6,500; director of regulatory work, $6,500; director of extension service, $6,500; solicitor, $6,500; chief of the Weather Bureau, $6,000; chief of the Bureau of Animal Industry, $6,500; chief of the Bureau of Plant Industry, $6,500; forester, $6,500; chief of the Bureau of Chemistry, $6,500; chief of the Bureau of Agricultural Economics, $6,500; chief of the Bureau of Public Roads, $6,500; chief of the Bureau of Entomology, $6,500; chief of the Bureau of Biological Survey, $6,000; chief of the Bureau of Soils, $5,500; chief of the Division of Accounts and Disbursements, $4,500; librarian, $3,600: *Provided*, That during the fiscal year ending June 30, 1924, the Secretary of Agriculture is hereby authorized, in his discretion and if he deems it necessary or expedient, to pay, from the lump-fund appropriations made in the agricultural appropriation act for said fiscal year, the additional amounts required over the salaries provided by said act to carry into effect the rates specified by this section.

SEC. 3. That upon the written approval of the Secretary of Agriculture, and then only in the case of extraordinary emergency, not to exceed 10 per cent of any amounts appropriated by Congress in the annual appropriation for the Department of Agriculture for the miscellaneous expenses of the work of any bureau, division, or office in the Department of Agriculture shall be available, interchangeably, for expenditure on the objects included within the general expenses of such bureau, division, or office: *Provided*, That there shall not be added to any one item of appropriation more than 10 per cent of such item.

SEC. 4. That this act shall take effect July 1, 1923.

Mr. SMOOT. Mr. President, this is a bill from the House increasing the salaries of certain positions in the Department of Agriculture. At 1 o'clock we are going to take up the reclassification bill, and this very subject matter is treated in that bill.

Mr. KING. I object.

Mr. SMOOT. Therefore, I object to the consideration of the bill.

Mr. McNARY. Mr. President, I hope the Senator will withhold his objection for just a moment. This is not enacting any new law. It is making permanent legislation which is now carried in the annual agricultural appropriation bill.

Mr. SMOOT. If the reclassification bill passes, it will take precedence over all these other things.

Mr. NORRIS. Mr. President, may I make an inquiry of the Senator from Utah? I have not examined the reclassification bill; I have not had time. This bill seeks to remedy a situation that everybody admits is almost intolerable in the Department of Agriculture. Will all of the propositions contained in this bill be remedied by the reclassification bill?

Mr. SMOOT. I will say to the Senator that there is no doubt of it.

Mr. NORRIS. I have had experience with the Department of Agriculture, particularly with its Bureau of Chemistry, one of the scientific bureaus of the Government, for quite a number of years; I have come in official contact with them, and they are in a deplorable situation now.

Mr. SMOOT. If the Senator will notice the rates in the scientific schedule here, he will observe that they are taken care of, and that is one of the very reasons why we wanted this

bill passed. I know that that situation exists not only in the Agricultural Department, but in the Department of Commerce and others.

Mr. NORRIS. Here is the difficulty, as I understand it: The reclassification bill may not become a law. This is a House bill, designed to remedy this situation in the Department of Agriculture. If the reclassification bill for any reason should fail to pass, then, as a result of our failure to act on this bill, we would have no relief.

Mr. SMOOT. I will ask that the bill go over.

Mr. NORRIS. I should like to say before I conclude that I concede very frankly that the Senate ought not to pass this kind of a bill under a unanimous-consent agreement like this. I concede that it ought to be discussed. It is quite important. However, there is no other way to pass it, on account of having a short session of Congress and the usual jam that always takes place. There is not any other hope of securing action at this session.

Mr. WATSON. Mr. President, my understanding is that this bill applies only to a limited number of experts in the Agricultural Department.

Mr. NORRIS. A great many of these positions are vacant now. They are unable to secure the men to fill them. Some of them have been vacant for two years.

Mr. KING. Mr. President, it is apparent from what the Senator has stated and from the debate thus far ensuing that we can not pass this bill in the limited time we have—only 15 minutes more. I therefore object to its consideration.

The VICE PRESIDENT. Objection is made. The bill will be passed over.

JOINT RESOLUTION PASSED OVER.

The joint resolution (S. J. Res. 82) providing for immigration to relieve the emergency caused by an acute shortage of labor in the Territory of Hawaii was announced as next in order.

Mr. JOHNSON. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

PAYMENT TO CERTAIN EMPLOYEES OF THE UNITED STATES.

The joint resolution (H. J. Res. 256) proposing payment to certain employees of the United States was considered as in Committee of the Whole, and was read, as follows:

Resolved, etc., That all per diem employees of the several departments and independent establishments of the Government who were carried on the rolls as employees and excused from work on November 11, 1921, shall be allowed pay for that day.

Mr. STERLING. Mr. President, I hope this joint resolution will pass. It deals with the same subject matter as the legislation we passed last night.

Mr. KING. I was about to say that this legislation was passed last evening.

Mr. STERLING. It passed as an amendment, but this is a House joint resolution. In view of the uncertainty in regard to the conference report, I hope this joint resolution will pass.

Mr. NORRIS. Mr. President, what is the number of this measure?

The VICE PRESIDENT. It is House Joint Resolution 256.

Mr. STERLING. It is to pay the per diem employees of the Government for one day.

Mr. KING. I have no objection to the joint resolution—I think it ought to pass—except for the fact that we passed a similar measure last night.

Mr. NORRIS. Mr. President, I am going to be more generous than some other Senators. This measure is not half so important to the country as the one that was objected to. It will pay a whole lot of fellows for another day's work; but the great Department of Agriculture has been handicapped, and is handicapped now, because of its inability to employ chemists and other scientific men.

When that comes before the Senate it is killed, although it is a House bill and only needs the approval of the Senate. I am not objecting to this bill; I have no information which would lead me to object to it, at least; but it is true, as it was in the case of the other bills, that it is not the right way to legislate, and we ought not to pass it. We ought to debate all these bills. We are in a condition now where we can not do it. When we come to something that is going to bring some relief, especially to the agricultural interests of the country, we do not have time; but we can find time for these other things.

Mr. CUMMINS. I wish to say, in confirmation of the statement just made by the Senator from Nebraska, that in my opinion there is no bill on this calendar more important than the one to which he has just referred.

Mr. NORRIS. I think the Senator is right.

Mr. CUMMINS. The House has passed it. The value of the Agricultural Department depends on the skill of its scientific employees, and men of high education and broad experience can not be kept in the Department of Agriculture unless they know that it is to be the policy of the United States to pay reasonable salaries for the work which they are doing. I will join with the Senator from Nebraska any time in voting to bring it up.

Mr. NORRIS. It now lacks only 15 minutes of 1 o'clock, and it doubtless would not avail anything if I could get it up by motion.

The VICE PRESIDENT. The joint resolution is still in Committee of the Whole and open to amendment.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SESSIONS OF DISTRICT COURT IN MAINE.

The bill (H. R. 14135) to amend an act approved September 8, 1916, providing for holding sessions of the United States district court in the district of Maine, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the act of Congress approved September 8, 1916, entitled "An act to provide for holding sessions of the United States district court in the district of Maine and for dividing said district into divisions, and providing for offices of the clerk and marshal of said district to be maintained in each of said divisions, and for the appointment of a field deputy marshal in the division in which the marshal does not reside," be amended in the first section thereof, by striking out the word "February" where it appears first in said section, substituting therefor the word "November," so that the said section, when amended, shall read as follows:

"That hereafter, and until otherwise provided by law, two sessions of the United States district court for the district of Maine shall be held in each and every year in the city of Bangor, in said district, beginning, respectively, on the first Tuesday of November and the first Tuesday of June, and three sessions of said court shall be held in each and every year in the city of Portland, in said district, beginning, respectively, on the first Tuesday of April, on the third Tuesday of September, and on the second Tuesday in December: *Provided, however*, That in the year 1923 the session of said court at Bangor, beginning on the first Tuesday of November, shall be held in addition to the sessions in February and June, now provided for by law."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MUNICIPAL COURT, DISTRICT OF COLUMBIA.

The bill (H. R. 13998) making section 1535c of the Code of Law for the District of Columbia applicable to the municipal court of the District of Columbia, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That hereafter section 1535c of the Code of Law for the District of Columbia, permitting equitable defenses to be interposed in actions at law, shall be applicable to proceedings now pending in the municipal court of the District of Columbia as well as to actions hereafter brought in said court.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMERICAN DREDGING CO. AND WALES ISLAND PACKING CO.

The resolution (S. Res. 447) referring to the Court of Claims the bills (S. 3931) for the relief of the North American Dredging Co. and (S. 2888) for the relief of the Wales Island Packing Co. was read and agreed to, as follows:

Resolved, That the claims of the North American Dredging Co. (S. 3931) and the Wales Island Packing Co. (S. 2888), now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

BILLS PASSED OVER.

The bill (S. 3487) to provide for the widening of Nichols Avenue between Good Hope Road and S Street SE. was announced as next in order.

Mr. McKELLAR. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4413) to provide for a tax on motor-vehicle fuel sold within the District of Columbia, and for other purposes, was announced as next in order.

Mr. McKELLAR. Let that go over.

Mr. BALL. Mr. President, I trust the Senator will withhold his objection to the bill. It is a measure of the utmost importance.

Mr. McKELLAR. It will take some time to dispose of it, and we have not time to discuss it now. There are real objections to the bill.

The VICE PRESIDENT. On objection, the bill will be passed over.

AMERICAN BATTLE MONUMENTS COMMISSION.

The bill (H. R. 14087) for the creation of an American battle monuments commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That a commission is hereby created and established, to be known as the American battle monuments commission (hereinafter referred to as the commission), to consist of seven members who shall be appointed by the President, who shall also appoint one officer of the Regular Army to serve as its secretary. The members and secretary shall serve at the pleasure of the President, who shall fill any vacancies that from time to time occur. The secretary shall also serve as disbursing officer of the commission, who shall make disbursement upon vouchers approved by its chairman.

The members of the commission shall serve without compensation, except that their actual expenses in connection with the work of the commission may be paid from any funds appropriated for the purposes of this act, or acquired by other means hereinbefore authorized.

Upon request of the commission the President is authorized to designate such personnel of any department or of the Army, Navy, or Marine Corps as may be necessary to assist in carrying out the purposes of this act, and the commission is authorized to employ such further personnel as may be necessary to carry out the purposes of this act, within the limits of any appropriation or appropriations made for such purposes.

SEC. 2. That the commission shall prepare plans and estimates for the erection of suitable memorials to mark and commemorate the services of the American forces in Europe and erect memorials therein at such places as the commission shall determine, including works of architecture and art in the American cemeteries in Europe.

The commission shall control as to materials and design, provide regiations for and supervise the erection of all memorial monuments and buildings in the American cemeteries in Europe.

The commission shall cause such photographs to be secured or taken of the terrain of the various battle fields of Europe upon which units of the armed forces of the United States were actively engaged with the enemy as will complete the historical photographic record of the operation of such units, and the commission shall transmit such record when completed to the Secretary of War for permanent file with the records of the War Department.

SEC. 3. That before any design or material for memorials is accepted by the commission the same shall be approved by the National Commission of Fine Arts.

SEC. 4. That the President is requested to make the necessary arrangements with the proper authorities of the countries concerned to enable the commission to carry out the purposes of this act.

SEC. 5. That the commission is authorized to receive funds from any State, municipal, or private source for the purposes of this act, and such funds shall be deposited by the commission with the Chief of Finance of the United States Army and shall be kept by him in separate accounts and shall be disbursed upon vouchers approved by the chairman of the commission.

SEC. 6. That authority is hereby given for the preparation of models and designs and the fabrication of memorials, and the materials for such memorials, at arsenals or navy yards or by other governmental agencies, if the commission shall so determine.

Authority is hereby given for the use of captured war materials, not otherwise disposed of by congressional action, in the fabrication of not to exceed 10,000 pounds of bronze to be used on the memorials constructed under the provisions of this act: *Provided*, That in the selection of materials the commission shall refrain from utilizing material which might otherwise be available for decorative or memorial purposes.

SEC. 7. That the commission is authorized to furnish replicas of any memorial, or any part thereof, to States, municipalities, or interested private persons or associations at actual cost, and to apply any proceeds from such sales to the purposes of this act.

SEC. 8. That the commission is authorized and directed to cooperate with American citizens, States, municipalities, or associations desiring to erect war memorials in Europe in such manner as may be determined by the commission: *Provided*, That no assistance in erecting any such memorial shall be given by any administrative agency of the United States unless the plan has been approved in accordance with the provisions of this act.

SEC. 9. That it shall be the duty of the Secretary of War to maintain the memorials erected by the commission under authority of this act, and the commission shall advise the Secretary of War of the location and date of completion of each memorial.

SEC. 10. That the commission shall transmit to the President of the United States annually on the 1st of July a statement of all its financial and other transactions during the preceding fiscal year.

SEC. 11. That such sum or sums as Congress may hereafter appropriate for the purposes of this act are hereby authorized to be appropriated.

SEC. 12. That the records and archives of the commission shall, upon the termination of its duties, be deposited with the Secretary of War.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VALLEY TRANSFER RAILWAY CO.

The bill (H. R. 14082) to authorize the Valley Transfer Railway Co., a corporation, to construct and operate a line of railway in and upon the Fort Snelling Military Reservation in the State of Minnesota, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to give to the Valley Transfer Railway Co., a corporation organized under the laws of the State of Minnesota, its successors and assigns, a revocable permit to locate, construct, maintain, and operate a line of railway, with single or double tracks, across the Fort Snelling Military Reservation in the State of Minnesota, upon such location and under such regulations and conditions as shall be approved by the Secretary of War.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PAYMENT OF NATIONAL GUARD AND RESERVE OFFICERS.

The bill (H. R. 14077) to extend the benefits of section 14 of the pay readjustment act of June 10, 1922, to validate certain payments made to National Guard and reserve officers and warrant officers, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments; on page 2, after line 2, to insert the words "or accruing under the operation of this section, hereby made retroactive in effect"; after line 22, on page 2, to insert a new section, to be numbered section 4; to change the numbering of section 4, on line 24, page 3, to section 5; and on page 4, line 6, after the word "validated," to insert additional sections, so as to make the bill read:

Be it enacted, etc., That officers and warrant officers of the National Guard, while participating in exercises or performing the duties provided for by sections 94, 97, and 99 of the national defense act, approved June 3, 1916, as amended, and reserve officers and reserve warrant officers of any of the services mentioned in the title of the pay readjustment act of June 10, 1922, while on active duty, including duty for training purposes, shall receive the allowances prescribed for officers and warrant officers of the Regular services under sections 5, 6, and 11 of the said pay act, and payments heretofore made, or accruing under the operation of this section, hereby made retroactive in effect, for rental allowances to officers and warrant officers of the National Guard or reserves while attending camps of instruction or service schools are hereby validated.

SEC. 2. That service rendered by National Guard officers during temporary Federal recognition, prior to December 15, 1922, shall be deemed to have been rendered in compliance with the provisions of section 75, national defense act, approved June 3, 1916; and all payments heretofore or hereafter made therefor are hereby validated and authorized.

SEC. 3. That hereafter the payments authorized by section 3, act of September 14, 1922 (Public No. 299, 67th Cong.), may include the entire amount lawfully accruing to such officers as pay, allowances, and mileage on account of such service, and, including pay and mileage for their return home, may be paid to the officers during said period and prior to their departure from the camp or other place at which such service is performed.

SEC. 4. That captains and lieutenants belonging to organizations of the National Guard shall receive compensation at the rate of one-thirtieth of the monthly base pay of their grades as prescribed by law, for each regular drill or other period of instruction authorized by the Secretary of War, not exceeding 8 in any one calendar month, and not exceeding 60 in any one calendar year, at each of which they shall have been officially present for not less than one and one-half hours, and at each of which at least 50 per cent of the commissioned strength, and 60 per cent of the enlisted strength but not less than 60 per cent of the required recognition strength, attend and participate for not less than one and one-half hours; and, under such regulations as the Secretary of War may prescribe, an organization of the National Guard required by law to assemble for drill and instruction a stated number of times each year shall be credited, under the provisions of sections 92, 109, and 110 of the national defense act as amended, for an assembly for drill and instruction when the prescribed percentages of the commissioned and enlisted personnel of the organization have been officially present during a prescribed period of instruction of not less than one and one-half hours, irrespective of whether the entire organization was assembled for that purpose at one and the same time or whether the organization was assembled by platoons, sections, squads, or other subdivisions at different hours or on different days for that purpose.

SEC. 5. That payments heretofore made to captains and lieutenants belonging to organizations of the National Guard for drills provided for in section 109, national defense act, at which at least 50 per cent of the commissioned strength and 60 per cent or more of the enlisted strength, but not less than 60 per cent of the required recognition strength attended and participated for the required time be, and the same are hereby, validated; and such officers, who have heretofore participated in drills held under the conditions prescribed in this section and who have not been paid therefor, shall be paid in accordance with the provisions of this section.

SEC. 6. That National Guard officers, whenever entitled to Federal pay, except for armory drill, shall receive, as longevity pay, in addition to base pay now or hereafter provided by law, an increase thereof at the per cent and time rates up to 30 years provided in the ninth paragraph of section 1 of the pay readjustment act of June 10, 1922, computed as provided in section 3 of said act. This section shall be retroactive in effect to July 1, 1922; and all payments heretofore made in accordance with the same are hereby validated.

SEC. 7. That enlisted men of the National Guard of the sixth and seventh grades holding duly authorized specialist ratings, and enlisted men of all grades thereof who may specially qualify, under regulations to be prescribed by the President for the National Guard within the limits of section 18 of the pay readjustment act of June 10, 1922, in the use of the arm or arms which they may be required to use, shall, in addition to other compensation provided by law, be entitled to one-thirtieth of the pay for their respective specialist ratings fixed in section 9 of said act and one-thirtieth of their respective special qualification compensation hereunder for each day of participation in exercises or activities authorized by sections 94, 97, and 99 of the national defense act, as amended.

SEC. 8. That when an enlisted man of the National Guard is a bona fide member of the National Guard unit for only a part of a calendar month he shall receive pay, under the provisions of section 110 of the national defense act, approved June 3, 1916, as amended, for such fractional part of such calendar month.

SEC. 9. That payments heretofore made to the National Guard of any State, Territory, or the District of Columbia, which by regulation required the qualification for staff officers as provided in section 110 of the national defense act, approved June 3, 1916, as amended, be, and the same are hereby, validated regardless of the failure of such State, Territory, or the District of Columbia to provide by statute for the requirement of such qualification.

SEC. 10. That officers, warrant officers, and enlisted men of the National Guard injured in line of duty while at encampments, maneuvers, or other exercises, or at service schools, under the provisions of sections 94, 97, and 99 of the national defense act of June 3, 1916, as

amended; members of the Officers' Reserve Corps and of the Enlisted Reserve Corps of the Army injured in line of duty while on active duty under proper orders; members of the Reserve Officers' Training Corps, and members of the civilian military training camps, injured in line of duty while at camps of instruction under the provisions of sections 47a and 47d of said national defense act, as amended; and anyone belonging to any of said classes of persons who may now be undergoing hospital treatment for such injuries so sustained, shall be entitled, under such regulations as the President may prescribe, to medical and hospital treatment at Government expense until they are fit for transportation to their homes, and upon termination of such medical and hospital treatment shall be entitled to transportation to their homes at Government expense. Officers and enlisted men of the National Guard air service injured in line of duty when performing the duties and exercises described in section 92 of said national defense act, as amended, which involve flying, shall be entitled to like medical and hospital treatment and to like transportation to their homes. Any expenditures heretofore made by the Government in caring for persons injured under the conditions specified herein are hereby validated: *Provided*, That officers and warrant officers undergoing treatment in hospital under any of the foregoing provisions while not in receipt of pay, and other persons undergoing hospital treatment under any of the foregoing provisions, shall be entitled to subsistence at Government expense.

Mr. WADSWORTH. Section 4 makes but two changes in existing law. It provides that the officers of the National Guard units shall attend and be paid for the same number of drills as the enlisted men. The enlisted men under existing law are placed upon a maximum attendance of eight drills per month. This puts the officers on the same basis.

Mr. LA FOLLETTE. How much does it involve in the way of increased appropriations or expenditures?

Mr. WADSWORTH. Nothing. The maximum of pay is fixed anyway for any one calendar year. The men and officers today, under the bill, will attend the same number of drills and be paid for the same number of drills. That is the change made. Through an error in the national defense act that is not the case now.

Mr. KING. Is there any increase by reason of the words "one-thirtieth of the base pay"?

Mr. WADSWORTH. No; that is existing law.

Mr. KING. So the bill will not increase the compensation to be paid either to reserve officers or any of the beneficiaries of the act?

Mr. WADSWORTH. It will not.

Mr. KING. Will the Senator briefly explain the additional sections added? I did not understand the Senator to state that the bill did not increase the compensation in the aggregate.

Mr. WADSWORTH. I said that section 4 did not. The bill consists of a series of amendments to the national defense act, or to the pay act of a year and a half ago, due to the fact that the comptroller has rendered certain decisions so unexpected and so extraordinary in the construction of the intent of the Congress, both in the action of the joint committee between the two Houses and of the Congress itself in passing it, that it is beyond the comprehension of myself and the members of the committee how he ever put such a meaning on it. These provisions, with the exception of the last one, which I will explain, merely make it perfectly definite and sure that the intent of the Congress, as expressed, we believe, in the clearest of English in the pay act and the national defense act, shall be absolutely the law.

Now I will state what the last section has in view. The comptroller has ruled that if a National Guard man attending a maneuver camp in the summer time for the 15-day training period with his unit, a soldier of the United States to all intents and purposes, is injured or falls seriously ill, the Government can not give him any hospital care beyond the termination of the camp. Any such interpretation is so extraordinary and in its result so cruel, almost vindictive, that the committee is unanimous in believing that when a man in the service of the Government, training under Government supervision, is injured, at least the Government should take care of him through its medical department until he recovers, but we put a six months' limitation on that.

Mr. KING. Will this be the basis of making injuries received during that period the ground for pensions?

Mr. WADSWORTH. Not at all. That is carefully avoided.

Mr. KING. Or claims for damages?

Mr. WADSWORTH. No; they can not make claims for damages if the care is given.

Mr. KING. Of course, they can claim they were disabled for life, and I have no doubt in the world that we will have hundreds of applications for pensions.

Mr. WADSWORTH. We never have had, and we have had the National Guard for years.

Mr. KING. I hope the Senator's conjectures are right.

Mr. WADSWORTH. We are about to send 150,000 guardsmen to the maneuver camps this year. Last year we sent 130,000; 12 or 15 out of the 130,000 were injured. A motor truck ran over a man's leg and broke it. Of course, he could not recover in 15 days' time. One man had his leg so badly crushed that he has been eight months in the Walter Reed Hospital. The Government has no authority to keep him there. General Ireland, the Chief Surgeon of the Army, has kept that man there contrary to the ruling of the comptroller, but the bills for his care have been piling up against the young man all that time. The thing is an outrage.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

AMENDMENT OF REVENUE ACT OF 1921—CONFERENCE REPORT.

Mr. McCUMBER. Mr. President, in the next four or five minutes, before 1 o'clock, I do not think we can get through another bill, and I ask permission to present a conference report, and I ask for its immediate consideration, calling the attention of the Senator from Massachusetts [Mr. LODGE] to it.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13774) to amend the revenue act of 1921 in respect to exchanges of property, having met, and after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 4, and 5.

P. J. McCUMBER,
REED SMOOT,
A. A. JONES,
Managers on the part of the Senate.

W. R. GREEN,
NICHOLAS LONGWORTH,
OGDEN L. MILLS,
J. W. COLLIER,
W. A. OLDFIELD,
Managers on the part of the House.

Mr. LODGE. Mr. President, when the bill was before the Senate I offered an amendment to make the law take effect on its passage, because as it now stands the law is retroactive for two months. I have no fault to find with the merits of the bill. I am in favor of the bill, but I do not favor retroactive legislation. I therefore offered an amendment, which was inserted by the Senate with the committee's approval, but through an oversight of mine, and of the committee, I think, too, we failed to change a similar date in section 2, which would have to be changed in order to make the law take effect, and this produces confusion, to which the Treasury Department objects. I think it is an injustice to make it retroactive. I do not believe in retroactive measures, but I am not ready to stop legislation of this kind for the better enforcement of the tax laws on account of that point.

Mr. KING. In a word, what does the bill provide?

Mr. LODGE. It is an amendment to the law made necessary, according to the Treasury Department, to enable them to collect taxes in cases of the exchange of stocks. If the Senator and I exchange stocks, and his is precisely of the same value as mine, of course the matter would not come under the income-tax law at all, but if by exchange of stocks, which is now possible under existing law, a profit is made, this is to provide that the profit shall be taxed as income. I am not opposing the bill. I think the merits of the bill are all right, but I do not think it ought to be made retroactive.

Mr. KING. That is the only objection?

Mr. LODGE. That is the only objection I made, that it should not be retroactive, and our conferees have receded. I do not want to defeat the bill on that account when it is a valuable bill, but I think it is an injustice to certain people.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

THE CALENDAR.

The bill (S. 4607) for the allowance of certain claims for indemnity for spoliations by the French prior to July 31, 1801, as reported by the Court of Claims, was announced as next in order on the calendar.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

CLAIMANTS UNDER SOLDIERS AND SAILORS' CIVIL RELIEF ACT.

The bill (H. R. 14144) to limit and fix the time within which suits may be brought or rights asserted in court arising out of the provisions of subdivision 3 of section 302 of the soldiers and sailors' civil relief act approved March 18, 1918, being chapter 20, volume 40, General Statutes of the United States, was announced as next in order.

Mr. DIAL. Let that go over.

Mr. WALSH of Montana. I trust the Senator from South Carolina will not object. It is a bill which ought to have very careful consideration, and it ought to be passed.

Mr. DIAL. I withdraw the objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Public Lands and Surveys, with an amendment, on page 2, line 6, to strike out the words "ninety days" and insert in lieu thereof the words "one year," so as to make the bill read:

Be it enacted, etc., That any person entitled to claim any right, title to, or interest in any real estate because of any failure to comply with the provisions of subdivision 3 of section 302 of the soldiers and sailors' civil relief act, approved March 18, 1918, being chapter 20, volume 40, General Statutes of the United States, in the foreclosure of a mortgage, or the sale upon a judgment, of such real estate shall be barred forever from asserting such claim unless the claim is successfully asserted in an action or proceeding, in a court of competent jurisdiction, commenced prior to the approval of this act or within one year thereafter.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

DISTRICT COURTS IN TENNESSEE.

The bill (H. R. 14324) to amend section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as heretofore amended, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as heretofore amended, be, and it is, amended so as to read as follows:

"SEC. 107. The State of Tennessee is divided into three districts, to be known as the eastern, middle, and western districts of Tennessee. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Bledsoe, Bradley, Hamilton, James, Marion, McMinn, Meigs, Polk, Rhea, and Sequatchie, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Anderson, Blount, Campbell, Claiborne, Grainger, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Sevier, Scott, and Union, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Carter, Cocke, Greene, Hamblen, Hancock, Hawkins, Johnson, Sullivan, Unicoi, and Washington, which shall constitute the northeastern division of said district. Terms of the district court for the southern division of said district shall be held at Chattanooga on the fourth Monday in April and the second Monday in November; for the northern division at Knoxville on the fourth Monday in May and the first Monday in December; and for the northeastern division at Greeneville on the first Monday in March and the third Monday in September. The middle district shall include the territory embraced on the 1st day of July, 1910, in the counties of Bedford, Cannon, Cheatham, Davidson, Dickson, Hickman, Humphreys, Houston, Montgomery, Robertson, Rutherford, Stewart, Sumner, Trousdale, Williamson, and Wilson, which shall constitute the Nashville division of said district; also the territory embraced on the date last mentioned in the counties of Franklin, Warren, Grundy, Coffee, and Moore, which shall constitute the Winchester division of said district; also the territory on the date last mentioned in the counties of Giles, Lawrence, Lewis, Lincoln, Marshall, Wayne, and Maury, which shall constitute the Columbia division of said district; also the territory embraced on the date last mentioned in the counties of Clay, Cumberland, Dekalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, Van Buren, and White, which shall constitute the northeastern division of said district. Terms of the district court for the Nashville division of said district shall be held at Nashville on the second Monday in March and the fourth Monday in September; for the Winchester division at Winchester on the first Monday in April and the third Monday in November; for the Columbia division at Columbia on the third Monday in June and the fourth Monday in November; and for the northeastern division at Cookeville on the third Monday in April and the first Monday in November: *Provided*, That suitable accommodations for holding the courts at Winchester, Columbia, and Cookeville shall be provided by the local authorities without expense to the United States. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Dyer, Fayette, Haywood, Lauderdale, Shelby, and Tipton, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Benton, Carroll, Chester, Crockett, Decatur, Gibson, Hardeman, Hardin, Henderson, Henry, Lake, McNairy, Madison, Obion, Perry, and Weakley, including the waters of the Tennessee River to low-water mark on the eastern shore thereof wherever such river forms the boundary line between the western and middle districts of Tennessee, from the north line of the State of Alabama, north to the point, Henry County, Tenn., where the south boundary line of the State of Kentucky strikes the east bank of the river, which shall constitute the eastern division of said district. Terms of the district court for the western division of said district shall be held at Memphis on the fourth Mondays in May and November; and for the eastern division at Jackson on the fourth Mondays in April and October. The clerk of the court for the western district shall appoint a deputy who shall reside at Jackson. The marshal for the western district shall appoint a deputy who shall reside at Jackson. The marshal for the eastern district shall appoint a deputy who shall reside at Chattanooga. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Knoxville, at Chattanooga, and at Greeneville, which shall be kept open at all times for the transaction of the business of the court."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PAYMENT OF CLAIMS.

The bill (S. 4608) for the payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, and under the provisions of section 151 of the Judicial Code, was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

REGISTER AND RECEIVER AT GUTHRIE, OKLA.

The joint resolution (S. J. Res. 278) providing for continuation of register and receiver of the land office at Guthrie, Okla., at salaries in effect prior to act of January 24, 1923, was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Public Lands and Surveys with an amendment, on line 8, after the numerals "1923," to insert a comma and the words "until such time as the Secretary of the Interior shall see fit to consolidate said offices as provided in the act approved January 24, 1923," so as to make the joint resolution read:

Resolved, etc., That in so far as the land office located at Guthrie, Okla., is concerned, the office of register and the office of receiver shall be continued, notwithstanding the provisions of the act approved January 24, 1923, and that the compensation of each shall continue as fixed by the law prior to the passage of said act of January 24, 1923, until such time as the Secretary of the Interior shall see fit to consolidate said offices as provided in the act approved January 24, 1923.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGES.

The bill (S. 4581) granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Brule County and Lyman County, S. Dak., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of South Dakota to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, between Brule County and Lyman County, S. Dak., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 4580) granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Hughes County and Stanley County, S. Dak., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of South Dakota to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, between Hughes County and Stanley County, S. Dak., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 4582) granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Walworth County and Corson County, S. Dak., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of South Dakota to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, between Walworth County and Corson County, S. Dak., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RECLASSIFICATION OF GOVERNMENT EMPLOYEES.

The VICE PRESIDENT. The hour of 1 o'clock having arrived the Chair lays before the Senate the unfinished business, which is House bill 8928.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8928) to provide for the classification of civilian positions within the District of Columbia and in the field services.

Mr. STERLING. Mr. President——

Mr. WALSH of Montana. Mr. President, will the Senator from South Dakota yield to me briefly?

Mr. STERLING. Will the matter which the Senator has in mind take any time?

Mr. WALSH of Montana. Not to exceed five minutes.

Mr. STERLING. I yield to the Senator from Montana.

BLACKFEET INDIAN RESERVATION.

Mr. WALSH of Montana. Mr. President, I take advantage of the liberty accorded in debate to call attention to some circular matter which evidently was laid upon the desk of each Member of the Senate referring to what is known as the Indian omnibus bill (H. R. 13835). A very severe criticism of the bill has been made. I take it that objections which are thus suggested will prevent the bill from being considered at the present session of Congress. The bill was referred to this morning by the Senator from Missouri [Mr. SPENCER], the chairman of the Senate Committee on Indian Affairs.

I do not desire to advert to the criticisms at length, but I desire to characterize them by mentioning something concerning the criticism of an item referring to the Blackfeet Indian Reservation in the State of Montana. I have before me the following comment:

Section 5, Blackfeet Indians: This section will permit the sale to white settlers of land under the Blackfeet irrigation project, in which $1,000,000 of Blackfeet funds have been invested, 1,500,000 acres of land are involved, 12,000 plus are irrigable.

The provision of the bill to which exception is thus made reads as follows:

SEC. 5. That the allotments of Blackfeet Indians designated as homesteads under section 10 of the act of June 30, 1919 (41 Stat. L. 16), imposing restriction on alienation, shall, after the death of the original allottee, be subject to partition, sale, issuance of patents in fee, or any other disposition authorized by existing law relating to Indian allotments.

That is all there is to section 5 relating to the subject. It is perfectly obvious that the gentleman who framed these circulars for the information of the Senate could not possibly have had any knowledge of the law thus to be amended. The law to be amended is section 10 of the act of June 30, 1919, which provides as follows:

That so much of the Indian appropriation act of March 1, 1907 (34 Stat. L. 1015, 1035), as relates to the disposal of surplus unallotted lands within the Blackfeet Indian Reservation in Montana is hereby repealed, and the Secretary of the Interior is authorized to make allotments under existing laws within the said reservation to any Indians of said Blackfeet Tribe not heretofore allotted living six months after the approval of this act, and thereafter to prorate all unallotted and otherwise unreserved lands therein among the Indians who have been allotted or may be entitled to rights within said reservation: *Provided*, That of the lands so allotted 80 acres of each allotment shall be designated as a homestead by the allottee and be evidenced by a trust patent and shall remain inalienable and nontaxable until Congress shall otherwise direct.

That proviso to the effect that these homesteads, to the extent of 80 acres of the Blackfeet Indians, who were allotted in the aggregate something like 300 acres, should remain inalienable and nontaxable was inserted in the law by myself. I proposed that provision to safeguard the rights of these Indians, so that in any event, no matter what happened to them, they should have 80 acres of land which could not be alienated.

Now, it seems to be contended that by reason of this provision the lands are not subject to disposition, as other lands are under the general law, after the death of the Indian. I do not think that is a proper construction. The bill under consideration is simply intended to make these homesteads subject to disposition, subject to partition, just the same as all other Indian lands, upon the death of the allottee. That has been the law since 1910. In that year the act was passed to which the proposed legislation makes reference and it was to the following effect:

That when any Indian to whom an allotment of land has been made, or may hereafter be made, dies before the expiration of the trust period and before the issuance of a fee simple patent, without having made a will disposing of said allotment as hereinafter provided, the Secretary of the Interior, upon notice and hearing, under such rules as he may prescribe, shall ascertain the legal heirs of such decedent, and his decision thereon shall be final and conclusive. If the Secretary of the Interior decides the heir or heirs of such decedent competent to manage their own affairs, he shall issue to such heir or heirs a patent in fee for the allotment of such decedent; if he shall decide one or more of the heirs to be incompetent he may, in his discretion, cause such lands to be sold: *Provided*, That if the Secretary of the Interior shall find that the lands of the decedent are capable of partition to the advantage of the heirs, he may cause the shares of such as are competent, upon their petition, to be set aside and patents in fee to be issued to them therefor. All sales of lands allotted to Indians authorized by this or any other act shall be made under such rules and regulations and upon such terms as the Secretary of the Interior may prescribe, and he shall require a deposit of 10 per cent of the purchase price at the time of the sale.

The bill under consideration simply provides that with respect to those lands declared by the act of 1919 to be inalienable when the allottee dies, they shall become subject to disposition as other Indian lands are subject to disposition, subject to partition, subject to sale, and to issuance of patents as prescribed in the act of 1910.

Mr. STERLING. Mr. President, I remind the Senator from Montana that he requested only 5 minutes' time, and he has now taken 10 minutes.

Mr. WALSH of Montana. The Senafor will not have to bear with me very long. I have about concluded my statement.

Mr. STERLING. How long will it take the Senator to conclude?

Mr. WALSH of Montana. It will take but a moment longer. I would have concluded by this time if I had not been interrupted.

Mr. STERLING. Very well; I yield further to the Senator.

Mr. WALSH of Montana. Mr. President, I make this statement because I have no disposition to justify the bill in toto as it came from the Committee on Indian Affairs. I shall not even insist against objection on consideration of the particular items in the bill or others in which my State is vitally interested. But it is remarkable that such extraordinary statements should be made by people who seem to be entirely unadvised about the situation for the purpose of prejudicing legislation demanding the serious consideration of Congress in these closing hours of the session.

Reference is made to the irrigation project on the Blackfeet Indian Reservation. There are irrigation projects on all other Indian reservations in the West. The lands are all subject to disposition upon the death of the allottee, just as is provided for in the bill under discussion.

Mr. PITTMAN. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. REED of Pennsylvania in the chair). Does the Senator from South Dakota yield to the Senator from Nevada?

Mr. STERLING. I yield.

Mr. PITTMAN. What would become of the lands if it were not for the provision under discussion?

Mr. WALSH of Montana. They would simply be held by the heirs in undivided interest, practically the same as private property would be held by a vast number of heirs upon the death of the antecedent.

TREATIES AND CONVENTIONS WITH FOREIGN POWERS.

Mr. MOSES. Mr. President, during routine morning business I was engaged in an impromptu but very important meeting of the Committee on Foreign Relations, and was unable then to submit a report from the Committee on Printing. I now ask leave to report from the Committee on Printing a resolution, and I ask unanimous consent for its present consideration.

The PRESIDING OFFICER. Without objection, the resolution will be received.

The resolution (S. Res. 467) was read, as follows:

Resolved, That the revised supplement to the compilation entitled "Treaties and Conventions Between the United States and Other Powers," prepared and revised up to March 4, 1923, under authority of the Senate resolution of August 19, 1921, be printed as a Senate document, and that 500 additional copies be printed for the use of the Senate Committee on Foreign Relations.

Mr. KING. Mr. President, may I inquire of the Senator from New Hampshire with reference to the impromptu meeting of the Committee on Foreign Relations whether, because of his devotion to the President and his desire to see the wishes of the President carried into effect, he was considering a measure for the purpose of having the United States become a member of the Permanent Court of Justice?

Mr. MOSES. In order to slake the thirst of the Senator from Utah for information on this and all other subjects, I will say this was a hastily summoned meeting of such members of the committee as could be easily reached for the purpose of having them hear read by the chairman of the committee—I may say with great oratorical effect—a letter from the President and Secretary Hughes which I understand the chairman of the committee has caused to be printed in the RECORD.

Mr. KING. I am sure the Senator profited by hearing the same read, and I hope it has converted him to the wisdom of the President's course.

Mr. MOSES. "While the lamp holds out to burn."

The resolution was considered by unanimous consent and agreed to.

RECLASSIFICATION OF CIVILIAN EMPLOYEES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8928) to provide for the classification of civilian positions within the District of Columbia and in the field services.

Mr. STERLING. Mr. President, I know that time is very precious and so, both from the standpoint of the bill and from the standpoint of the wishes of other Senators who have matters with which they desire to proceed in the Senate, I shall consume very little of that time in the discussion of the bill.

The bill before the Senate now is the result of some four years of study and of effort, and of expectation, too, I may say, in regard to the enactment of a law that would reclassify the civilian employees of the Government.

Gross inequalities had grown up under the present system; inequalities in pay particularly; and there were employees in the same department doing the same kind of work who were receiving different rates of pay. As between departments, there was great variance in the pay of those who were doing the same kind of work. Other inequalities, and I may say even injustices, existed under that system. They grew in part out of the lump-sum system of payments and out of the fixed statutory roll. In the one there were liable to be abuses sometimes by the heads of departments, and there were opportunities for favoritism because of that system; and in the other there were not the opportunities for promotion and transfer that should have existed.

The Joint Classification Commission, which was appointed in 1919, in pursuance of an act of Congress of that year, made a summary of these various inequalities, and I shall sketch them. They found—

1. That the salary and wage rates for positions involving like duties and responsibilities and calling for the same qualifications (that is, for positions of the same class) show wide variations and marked inequalities.

They also found—

2. That the salary and wage rates for positions of the same class are different in different departments and independent establishments, the scale of pay in some departments being markedly higher than the scale for the same class of work in other departments.

They found—

4. That the present system of paying bonuses tends to increase the inequality in salary and wage rates for positions of the same class.

I may pause in reading their findings to remind Senators that unless this reclassification bill be passed we shall have the bonus bill before us again here in the Senate providing a bonus for all the employees of the Government whose pay is $2,500 per annum or less, both in the service in the District of Columbia and in the field service as well. One of the purposes of the pending bill is to rid the Government of this, what I am pleased to term, iniquitous bonus system, but one which we have been compelled from year to year since 1919 to adopt in order to do simple justice by the great class of the lower-salaried employees of the Government whose salary was inadequate as compared with the cost of living.

The Joint Reclassification Commission also found—

5. That the rates of compensation in the Government service as a whole have not increased as rapidly as has the cost of living.

They found—

6. That the amounts of recent increases in rates of pay in the Government service have varied greatly (a) as between classes of employment and (b) as between departments.

With these recent increases in pay there has been no equalization of the rates of pay at all. I think I may say that one great purpose of the bill, the underlying principle of the bill, is equal pay for equal work throughout the Government service and a reasonable and adequate compensation for the service rendered.

Without reading further, Mr. President, from the findings of the Joint Reclassification Commission, I desire to say that they find the system had a bad effect upon the morale of the employees. I do not wonder, and I do not doubt it. I think the experience of Senators who know about departmental work, who have visited the departments from time to time and have seen the conditions under which the employees have worked and knew the salaries they were getting and the discriminations that were here and there made, will corroborate in nearly every particular the report of the Joint Reclassification Commission in this respect.

With reference to the pending bill, Mr. President, there have been matters that have been the subject of sharp conflict of opinion, but we have labored earnestly and faithfully to prepare and report a bill to the Senate that would do justice to the employees on the one hand and to the Government on the other hand. We believe that the bill now before the Senate is such a bill. We have succeeded in harmonizing the various sharp differences.

One feature of the original bill was the provision that the Civil Service Commission should be the classifying agency. We are providing for the creation of another commission for the purpose of doing the allocating and classifying. That commission is to consist of a representative of the Bureau of the Budget, a representative of the Civil Service Commission, and a representative of the Bureau of Efficiency. The allocations, according to the terms of the bill, are to be made primarily by the heads of the various departments. From the beginning of the study of this question it has been a subject of controversy as to who should constitute the classifying agency; whether it should be the Civil Service Commission, on the one hand, or should be the head of the department on consultation with the Civil Service Commission or some other authority, or whether it should be some other independent body. We have finally, if I may use the term, compromised upon this as the constitution of the allocating or classifying agency. The work of the head of the department in allocating the employees in his department is subject to review and revision by the personnel classification board.

We have sought, Mr. President, to make the bill somewhat flexible. We have provided for increases in compensation upon the attainment of the appropriate efficiency ratings. We have provided for promotions when it shall be in the interest of the Government, and when justice shall be done to the employee by such promotion. One of the provisions of the bill is:

Nothing herein contained shall be construed to prevent the promotion of an employee from one class to a vacant position in a higher class at any time in accordance with civil service rules.

And so on. The bill also provides:

Reductions in compensation and dismissals shall be made by heads of departments in all cases whenever the efficiency ratings warrant, as provided herein, subject to the approval of the board.

That is, the personnel classification board.

The board, under the terms of the bill, is to have the power of review and revision of efficiency ratings which are made. In case of a failure to adopt or abide by the revisions made by the board, an appeal may be taken to the President of the United States.

Now, Mr. President, I think I shall from this time on adopt the course we sometimes adopt when we inclose a letter in a letter which we write and say "the letter explains itself." I will let the bill explain itself. I am going now to ask for the reading of the bill.

Mr. GERRY. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Rhode Island?

Mr. STERLING. I yield to the Senator from Rhode Island.

Mr. GERRY. I should like to ask the Senator from South Dakota a question. On pages 80 and 81 of the bill there are two sections, one covering the skilled-trades service and the other the common and specialized labor service. Am I correct in my understanding of the bill that those provisions would only affect employees in the District of Columbia and the general departments and would not affect outside activities, such as navy yards and torpedo stations throughout the country?

Mr. STERLING. The Senator is correct in that idea. Those provisions apply only to employees in the District of Columbia. The bill as reported by the Senate committee, although the House bill did not so provide, extended the classification to the field service; but that has now been dropped out, and the bill applies only to the service within the District of Columbia, with a provision that a survey shall be made of the field service and report made to the next Congress. There is no attempt whatever to classify such employees as those to whom the Senator from Rhode Island refers.

Mr. JONES of New Mexico. Mr. President——

Mr. STERLING. I yield to the Senator from New Mexico.

Mr. JONES of New Mexico. The Senator from South Dakota knows that I am deeply interested in this subject.

Mr. STERLING. I am aware of the Senator's great interest in it.

Mr. JONES of New Mexico. And I do not wish to delay the passage of the bill, but I should like to get some statement from the Senator as to section 6 on page 42 of the bill.

The whole purpose of this proposed legislation is to equalize the compensation. We know that during the World War, especially when we often appropriated lump sums for certain activities of the Government, persons were put into the service without any particular regard to the question of compensation, especially as to whether or not their compensation compared with that which was paid for service in other branches of the Government. The purpose of this bill largely is to equalize that situation.

Mr. STERLING. Yes, sir.

Mr. JONES of New Mexico. And there is a provision in the bill—in fact, most of the bill is taken up with the question of classification, defining certain employments and duties, and fixing various grades of salaries which shall apply from a minimum grade, running up to as many as seven or eight grades in certain cases, with the different amounts of compensation for the respective grades. Section 6 of the bill relates, of course, to those who are now in the service, and clause 3 of that section provides:

3. If the employee is receiving compensation within the range of salary prescribed for the appropriate grade at one of the rates fixed therein, no change shall be made in the existing compensation.

That provision, as I view it, absolutely prohibits the adjustment of compensation in any case where the present employee is receiving too much. If he is receiving compensation even beyond the very highest amount provided for any grade or class under this provision, if I am able to interpret it correctly, that compensation will continue and that employee may continue in the service of the Government at that compensation indefinitely, for the remainder of his life, and so far as he is concerned there will be no readjustment of compensation.

I can quite understand that we do not want to disarrange the affairs of the Government by any sudden change in existing conditions, but I just wondered if it would not be possible to eliminate that section, or else to make some change in the period of its duration. This bill does not go into effect until the 1st of next July, and if there is an employee in a class who is now receiving compensation higher than the very highest amount provided for that class for the future it seems to me that he ought to be willing to accept a reduction of his compensation or else he ought to resign from the service of the Government, so that some one may be employed and take the job and do the work at the compensation fixed within the grades and compensations and limitations of the act. So I should like to get from the Senator, if I may, some statement as to why that paragraph was inserted in the bill?

Mr. STERLING. Mr. President, throughout the consideration of the bill by the Senate Committee on Civil Service, and then in conferences that have been had in regard to it, rule 25 has been the source of considerable discussion. Rule 5 as it came from the House read as follows:

If the employee is receiving compensation in excess of the range of salary prescribed for the appropriate grade, the compensation shall be reduced to the rate within the grade nearest the present compensation.

Rule 5 stopped there. But there was a strong feeling against reducing the compensation of any employee at present and immediately, and the opinion prevailed that we should not provide for the immediate reduction of the compensation; so the Senate committee amended it by striking out the words "the compensation shall be reduced to the rate within the grade nearest the present compensation" and added certain words, so that it would read:

If the employee is receiving compensation in excess of the range of salary prescribed for the appropriate grade or class thereof, no change shall be made in his compensation so long as he continues in the same position and Congress appropriates therefor: *Provided* That such position on becoming vacant shall be filled at a rate of compensation fixed for its grade or class.

Mr. President, if the Senator from New Mexico will note, we introduce a new term in the second line of section 6 of the bill. We provide—

That in determining the compensation to be established initially for the several employees the following rules shall govern—

And so it is provided—and that is the sense and the substance of rule 5 as it stands now, read in the light of that preliminary statement at the beginning of the rule—that the employee's compensation shall not at once be reduced, but on the initial allocation his compensation will stand as it is, subject, I think, to revision afterwards, and surely subject to reduction by act of Congress.

Mr. JONES of New Mexico. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from New Mexico?

Mr. STERLING. I yield.

Mr. JONES of New Mexico. Does the Senator want us to understand that there is any provision in the bill for the reduction of salaries of existing employees at any time in the future?

Mr. STERLING. Certainly.

Mr. JONES of New Mexico. Where?

Mr. STERLING. It depends upon their efficiency ratings from time to time.

Mr. JONES of New Mexico. Does the Senator mean to say that if the present employee is now getting a salary beyond the highest salary provided for in a grade, and if his efficiency rating should be A–1, he would be subsequently reduced to a salary within the grade?

Mr. STERLING. If his efficiency rating were A–1?

Mr. JONES of New Mexico. Yes.

Mr. STERLING. Oh, I do not say that.

Mr. JONES of New Mexico. No; I thought the Senator would not. Suppose there is an accountant who is getting to-day twice the salary provided for within a given grade; and I may say that that is not a wild suggestion, even hypothetically, because it appeared in the testimony taken by the Reclassification Commission, of which I had the honor to be chairman, that salaries varied from $2,000 to $4,000 a year for precisely the same kind of service. In that case, assuming that the highest salary fixed in this classification for the grade would be $3,000 a year, ranging from $2,000 to $3,000—and many grades here have such ranges as that—a present employee getting $4,000 a year would continue to do the same kind of work as long as he lived, and get $4,000 a year. It seems to me that that provision perpetuates the present injustice and inequality, rather than bringing about an equalization of these employments and compensations.

Mr. STERLING. Mr. President, I have said before that this was the initial allocation, provided that in cases of this kind no change should be made in the existing compensation, and that with reference to whatsoever grade he might fall in, so far as that is concerned; but being the initial allocation, it would be subject to revision afterwards and, as I say, subject, of course, to regulation by Congress.

Mr. JONES of New Mexico. Mr. President, if the Senator will pardon me further, I know the difficulties which the Senator from South Dakota has had to contend with in this matter, and he has had my most profound sympathy in all of the trials and tribulations which he has had to bear in trying to get anything through here, and I am going to vote for the bill with that in it if it is thought best to keep it there, but I do not believe it is advisable to do it.

Mr. STERLING. Let me suggest to the Senator that if he will let that pass and let it be a matter of subsequent consideration, I will give it my earnest attention. I should like to have the substitute reported by the committee read.

Mr. JONES of New Mexico. It does seem to me that if, as to present employees, we should limit their compensation to the highest amount provided for in the grade, that would be serving them as equitably as they should be served. It will be four months from now before this goes into operation; and if there is any man in the service who is unwilling to continue in the service at the highest salary fixed by this classification board for a grade or class of work, he ought to resign. If he is not willing to take the highest pay provided for anybody for the same kind of job, he ought to quit. It seems to me that if we should provide, instead of his receiving his present compensation, that his compensation should be reduced to the highest amount fixed for the grade, he ought to be satisfied with it, and that will have a tendency to bring about something of equality and something of readjustment here; but this simply perpetuates the very thing which we are seeking to get rid of.

Mr. NORRIS. Mr. President, we are confronted here with a condition in legislative matters that ought to bring the blush of shame to every legislator in our country, if not to every citizen. I am not finding fault with any individual or any body of individuals; but from the very nature of our Government, as constituted now, we are confronted with a legislative jam that meets us every two years on the 4th day of March.

We have now, at 15 minutes to 2 o'clock p. m. on the 2d day of March, just taken up a bill of tremendous importance, composed of 83 pages. It has to do with practically the entire clerical service of the Government of the United States. Many thousands and thousands of employees are directly interested and are directly controlled by the provisions of this bill. We are confronted with the remarkable fact that although this bill has been under consideration by the committees for somewhere in the neighborhood of 14 months, we are expected to pass it almost in 14 minutes after it is taken up.

In the first place, the bill itself is an amendment. It strikes out all of the House bill, and provides a new bill. Two different committees of the Senate have been working on this proposition from time to time for considerably more than a year. The bill passed the House December 15, 1921. From that day until a day or two ago the Senate committee has had it in charge.

I have talked with members of the committee, and they have told me they never worked so hard on anything in their lives, and I believe them. They are entitled to the thanks of the Senate, whether they accomplish anything or not, for the diligent service they have conscientiously performed. Now, because we are going to adjourn on the 4th day of March at noon, we will not be able to consider this bill beyond that time. If it is to be enacted, we must pass it through the Senate almost without reading, with very little if any debate or discussion, with practically no analysis, and then it must go to conference, and between the conferees of the two Houses they will probably between now and the 4th of March agree upon a report, and it will come back to us. It may be an entirely new bill as it is reported by the conferees, and we will vote for it without reading it, because if we took the time to read it, it would probably run us beyond the 4th of March. At least, it would interfere with other legislation just as important as this.

Mr. President, without blaming anybody for this condition, I am calling attention to something which everybody knows to be true. What kind of legislation do you expect the Senate and House, or any other legislative body, to enact, when every two years they are completely engulfed with this kind of a proposition? I mention this bill because it happens to be the one now before the Senate. It is not the only one, as everybody knows. We must do one of two things. We must pass this bill and other bills without giving them consideration, or we must, by considering one bill, defeat other meritorious measures.

A man or a corporation of enterprise and progress would not permit such a condition to exist in private business for a moment. This has been the condition for years. Ever since the adoption of our Constitution, we have had a short session of Congress. It is getting worse. It is worse now than it was two years ago. It was worse then than it was two years before that time.

What have we done during the short session? Most of the time has been taken up in the consideration of one bill, which can not pass, and which is conceded now to be dead, and regardless of whether we were in favor of or against ship subsidy, we must admit two things; first, if we had had no short session, and the new Congress had met in January after they had been elected, the ship subsidy bill would not have been here at all, because it is conceded that the new Congress would not pass it. That is one thing which must be admitted.

Another thing we must admit is that even if the bill had been introduced and reported and we did not know in advance that on the 4th day of March we had to quit—that the session necessarily ended on that day—there would have been no delay even on the ship bill. Ninety per cent of the successful filibusters which have been carried on have been in the short session of Congress, made possible entirely by the ending of Congress on the 4th day of March, and in this case there would have been no filibuster and no ship bill if it had not been for the fact that Congress will close on the 4th day of March.

How many Senators have read this bill of 83 pages? I confess I have not, and I have been working 16 hours a day. I, of course, do not know, but in my judgment, outside of the committees which handled it, I do not believe there have been half a dozen Members of this body who have read it or will read it, and I say that without criticism. I am not finding fault with Senators. They have too much to do, and most of it will not be done when we close on the 4th of March.

What is the result? We get half-baked legislation. We get all kinds of jokers in our laws. We are prevented from passing valuable legislation which everybody admits ought to be passed. This very condition would be relieved if the House would pass and the legislatures would approve the constitutional amendment the Senate passed some time ago by a vote of 63 to 6. That proposition is now hung up in the House. It is conceded that if they could get a vote on it it would be carried almost unanimously; yet it is practically conceded that one or two men have it within their power to block it all and to prevent the passage of that resolution and thus the adoption of that constitutional amendment, which would relieve the very situation we are in now.

If the 4th of March were not just a few days off that resolution would pass the House. If we were not compelled to adjourn at that time there is no question but what Congress at this session would submit to the States that proposition to amend the Constitution. Nobody doubts it; everybody admits it. The short session perpetuates itself in existence, with all of the evils that follow.

Nobody has heard me make a disrespectful remark about any of the so-called "lame ducks." I have not argued this proposition from the point of view of preventing defeated Congressmen acting on legislation, although that is one reason for the amendment. It is perfectly preposterous, it seems to me, in a civilized country such as ours, that a Congress elected in November should wait until a year from the following December before they can get into actual work. Yet that is the case now. Nobody has ever yet suggested the perpetuation of that in real good faith.

Why should that resolution be held up, then? Why is the House of Representatives, which is supposed to represent the people of the United States, absolutely impotent and unable to take a move because one man says no or two men say no?

It is amusing to hear the objections made to that constitutional amendment. I talked with a man very high in official life the other day; and while he is a very great man, he did not know that the resolution of the Senate had come from the Committee on Agriculture and Forestry and that I had reported it. He said, "You know, that resolution to amend the Constitution sent over by the Senate was the awfulest thing I ever saw." I said, "What is the matter with it?" He said, "They fixed the date of the beginning of Congress on the first Monday in January. Just think of it! That would not always be the same day of the month. It would vary seven days, and thus the terms of Representatives and of Senators would vary seven days, one a little longer and the other a little shorter." He said, "Oh, we could not stand for anything of that kind. Such stuff as that will never do in the Constitution." I said, "Why?"

Mr. WATSON. Will the Senator yield to me?

Mr. NORRIS. Certainly.

Mr. WATSON. The Senator from Nebraska is a practical man. Why does he scold us, when we have already passed the joint resolution?

Mr. NORRIS. I have not thought of scolding.

Mr. WATSON. We have already passed it, and we can not help what the House is doing.

Mr. NORRIS. The Senator must have a guilty conscience, or he would not think anything I have said is a scolding.

Mr. WATSON. I have no guilty conscience at all. I even went so far as to vote for the measure.

Mr. NORRIS. That was going quite a ways for the Senator.

Mr. WATSON. But why the Senator wants to upbraid us, when we have done what he wants done——

Mr. NORRIS. Again I say I am not upbraiding anybody. I am talking about a man who is not a Senator.

Mr. WATSON. The Senator must know as well as anybody that he is not affecting the House's action by talking to us about it. We have already passed the joint resolution.

Mr. NORRIS. Mr. President, I will go on with the story I was telling, which the Senator from Indiana interrupted. I said, "My friend, have you ever read the Constitution of the United States?" He said, "Why, sure; I know all about the Constitution of the United States." He had said something about how the forefathers had adopted the Constitution, and how they would blush if we had such a thing in it as a provision for commencing the term of Congress on the first Monday in January. I said, "Are you familiar with the provision of the Constitution, put in it by our forefathers, never yet amended by any of their descendants, which provides that Congress shall assemble once each year, and that the day of assembly shall be the first Monday in December, unless Congress otherwise determines, and that we always meet in annual session on the first Monday in December? Would it be any greater sin if we met on the first Monday in January, and had the new Congress meet instead of the old?"

Then another one of the great leaders, one of the outstanding national figures in the great Republican Party, a man now slated for a $12,000 job, said, "Why, the House committee have amended this resolution; they have made the meeting on the 4th of January, and the beginning of the President's term on the 24th of January. That is too long, too much time." I said, "Why do you not amend it? If 20 days is too much, make it 19, or 19½, or 19¾, or 15. Nobody will kick if you want to amend it." Then he said, "There is too short a time, under that amendment, between the election of Congress and the convening of Congress—between November and January. It does not give time for men to settle down and cool off, and we had better not monkey with the Constitution that our forefathers made."

I had heard that argument before. I had heard it at the time the resolution was first reported to the Senate, coming

from the highest place in the land, "Do not monkey with the Constitution. Let the Congress elected in November settle down and get quiet and keep still until a year from the following December, for fear, in the excitement of their passion just after election, they may do some great injury to the people."

Mr. President, no objection has been made to that resolution which any man will stand up in the face of a civilized community and say is valid; yet we can not get it passed on. The people of the country unanimously demand it; the Senate is almost unanimously for it; the House is ready to vote almost unanimously for it; but we can not get it. We must hold on to this old method. We must continue to have conditions such as we have now, when the calendar is congested, when the time is limited, when we can not legislate correctly, as everybody knows; when we will defeat good legislation and innocently pass bad legislation, because we can not give it the consideration it deserves. We are helpless.

It may be that some of these men who are to blame have been repudiated by the people. I have never said a word against any such. I based my argument on two propositions. One was that when the people of the country had expressed themselves at the ballot box they were entitled to have their will translated into law at the earliest possible moment, and that with the election in November a meeting of the newly elected Congress in January was not undue haste; that the Congress elected in November should actually commence operations the following January instead of waiting a year and a month before they did.

The other reason I have given was that there would be no short session of Congress. This jam we have now, this jam of incompetency and impotency that comes every two years, no matter how good everybody may be or how honest may be their intentions, will always come home to plague us unless we remedy the situation. The people almost to a man are crying out for relief, but are not able to get it, because somebody will not let the people's representatives vote.

Mr. President, I hope that in what I am about to say I shall not be misunderstood. As I said, I have never spoken disrespectfully of any man who has ever been defeated for the Senate or the House. In every political contest I have had in my life my joy at success has been practically equaled by my sympathy and my sorrow for the man who was defeated. I do not claim that because a man was defeated he is necessarily a bad man. I am not claiming that he should not perform the functions of his office according to the Constitution, not by any means, and I never have. I do claim that a newly elected Congress ought to be put into office as soon as possible.

But, Mr. President, the danger is not there. The danger is not in that proposition. The danger comes in these conditions giving to the man in the White House almost supreme power over the Congress, the Senate and the House, the National Legislature. Aye, Mr. President, we have seen recently many men who have been defeated for reelection to the Senate and the House, and some who have not been defeated, appointed to high positions. In not a single case, so far as I know, is any one of them disqualified for the office that has been given to him. I am not complaining that the men have been appointed to these positions because of any disqualification, because of any lack of ability, because of any lack of patriotism. There is not the danger point. The real danger is that that kind of system gives to the President of the United States a power that our forefathers never intended he should have in the control of legislation in the House and in the Senate.

Human nature is the same here as elsewhere. Where is the Senator or Member of the House who for months will sit in his seat and with longing eyes look at the dazzling prize of a high office with an increased salary held above him—where is that man who, while he is looking at that dazzling prize, would vote contrary to the wishes and the desires of the man who holds the string by which the prize is dangled before him? There is the danger.

I say, without criticizing the men who have received the appointments, that it is human nature as to the man who knows, and particularly is it true if he has been defeated, but it is true to a greater extent if he has been repudiated at home and lost the election; and when he sees private life just ahead of him, and for three or four months can sit here or in another body recognizing that he is going to get surely or has a chance of getting a job that is better than the one he has had to give up, does anyone expect him ever to get crosswise against the man who has the power to give him that job?

I never knew it to happen. They may vote always conscientiously, but the very fact that they are human will shape their consciences to be always on the side of the man who holds the whole thing in his hand. That is the danger. If it were not for that danger, that thing existing right now, the amendment to the Constitution would be out of the House and the Senate and the Congress and submitted to the people of the United States.

Yes, Mr. President, we need another amendment to the Constitution of the United States, just as important as that one. We need an amendment that in effect shall provide that a Member of the House of Representatives or a Member of the United States Senate shall be disqualified from receiving a Federal appointment, not only during his term of office, but for two years thereafter. Now, we who believe in separating the functions of the Government according to the fundamental principles laid down by our fathers, into the judicial here, the legislative there, and the executive there, if we are going to keep them separate, then we must prevent the one from dominating the other. As long as the President has the power in his hand that he now has and has had, not only this President but other Presidents before him, it is a temptation ever too great to lay aside for any man to have that power; and when he has the power to control legislation and it is necessary to deal out offices to Congressmen and Senators to get that legislation enacted, he will do it.

Mr. DIAL. Mr. President——

Mr. NORRIS. I yield to the Senator from South Carolina.

Mr. DIAL. Does not the Senator think it would add to the efficiency of our Government if the President's term were limited to six years and he were made ineligible for reelection?

Mr. NORRIS. Yes; I agree with that proposition. I think that would help. But if we had the legislation I am speaking of now, we would not have the condition in the country that we now have, in one sense laughable and in another sense pitiful. But the very fact that we have it constitutes the very chains around us used to prevent us from getting our legislative freedom.

Now, Mr. President, the pending bill, of course, is going to be passed. So far as I know about it, it is a good bill. I have to vote for it blindly. I am going to offer an amendment later on, but I do not claim to be posted on it. I think it is impossible for me to do so within the time now remaining, which is limited. I could point out 100 other bills on the calendar of which that is true, with the exception, perhaps, of the few Senators in each case who had to do with the framing of the bill or its consideration in the committee. That is the condition we are in now. We are faced with a condition that, in my judgment, is absolutely disgraceful for a civilized country to maintain, and yet the very fact that we are in that condition is used as a lever by which we are held down and kept under.

Mr. ERNST. Mr. President, H. R. 12 is a bill to consolidate, codify, revise, and reenact general and permanent laws of the United States in force March 4, 1919.

Mr. NORRIS. Before the Senator proceeds, will he permit me to interrupt him just a moment?

Mr. ERNST. Certainly.

Mr. NORRIS. That is such a beautiful illustration. I am somewhat familiar with the bill to which the Senator refers. It is a codification of the laws. Every citizen of the United States is interested in it. It has been an awful task to prepare it. The men who have done it are entitled to wonderful praise. They have been at it for years. The Government has spent lots of money to do it. If it were not for the fact that we have to adjourn on the 4th of March, if our session were unlimited, we would enact it before this Congress closes. But we are helpless. One of the greatest progressive steps than can be thought of is the codifying of our laws and putting them in such shape that every intelligent man can know the law and find the law that must govern and control him, even to his liberty.

I thank the Senator from Kentucky.

CODIFICATION OF LAWS.

Mr. ERNST. Mr. President, H. R. 12 is a bill to consolidate, codify, revise, and reenact the general and permanent laws of the United States in force March 4, 1919. This bill passed the House and was referred to the Committee on Revision of the Laws of the Senate.

H. R. 12 has not been reported to the Senate because it is filled with imperfections of every character, so many and so serious that they can not be remedied by amendments.

A compilation of the laws of the United States should contain all of the laws in such form that one can ascertain the law without the necessity of referring to the Revised Statutes or to the many volumes of the Statutes at Large. If a compilation fails in this respect, we have but added another reference book to already overcrowded shelves.

H. R. 12 contains section after section with references in the body of the section to the law as it is set out in the Revised

Statutes or in the Statutes at Large, and with no references whatever to that section of the compilation where the law itself can be found, if, indeed, such section be included in the bill. In every such case an examination must be made of the Revised Statutes or Statutes at Large containing the law thus referred to. This statement does not relate to citations at the end of the various sections of the compilation.

If H. R. 12 should therefore become the law it will fail to accomplish the purpose for which it was enacted, namely, to set forth the laws of the United States in one volume, so that reference to and examination of the Revised Statutes and the Statutes at Large may not be necessary.

A few of the many sections above referred to are sections 104, 333, 354, 423, 456, 501, 651, 660, 773, 783, 787, 869, 905, 925, 945, 955, 988, 1355, 1651, 1679, 1686, 1695, 1774, 1805, 1838, 1967, 2006, 2033, 2058, 2059, 2063, 2199, 2234, 2414, 2452, 2453, 2454, 2455, 2597, 2719, 2777, 2810, 2817, 2824, 2828, 2881, 2892, 2900, 2964, 3122, 3159, 3188, 3224, 3326.

Some of the acts referred to in sections like those above set out were found in this compilation and others were not. The foregoing are only a portion of the sections of that character, and no attempt is made here to set out all of them. There are 10,747 sections in the code, and the sections just set out and others of the same kind are all found in the first 3,326 sections.

One of the sections above—section 104 of the code—reads as follows:

In any action now pending, or which may be brought against any person for or on account of anything done by him while an officer of either House of Congress in the discharge of his official duty in executing any order of such House, the district attorney for the district within which the action is brought, on being thereto requested by the officer sued, shall enter an appearance in behalf of such officer; and all provisions of the eighth section of the act of July 28, 1866, entitled "An act to protect the revenue, and for other purposes," and also all provisions of the sections of the former acts therein referred to, so far as the same relate to the removal of suits, the withholding of executions, and the paying of judgments against revenue or other officers of the United States, shall become applicable to such action and to all proceedings and matters whatsoever connected therewith, and the defense of such action shall thenceforth be conducted under the supervision and direction of the Attorney General.

It will be observed that reference is made in this section to the act of July 28, 1866, instead of the section containing that act in this bill. An examination of that act will disclose the fact that a reference is therein made to an act passed in 1833.

It is clear, therefore, that an examination of section 104 of the code makes absolutely necessary an examination of the act of 1866 and also the act of 1833.

It is interesting to note that the acts referred to have been superseded by later legislation and have been dead matter for more than 30 years.

As to section 988, the last paragraph of this section reads as follows:

But chapter 57, Fourth Statutes at Large, shall not be construed to apply to cases arising under chapter 173, Thirteenth Statutes at Large, nor any act in addition or amendment thereto, nor to any case in which the validity or interpretation of said acts shall be at issue.

Therefore the act referred to in section 988 and all acts "in addition or amendment thereto" must be examined in order to ascertain to what this section relates. Furthermore, this section is one conferring jurisdiction upon district courts and the above provision has no proper place where it is found. What it does is, in substance, to declare that the provisions of a customs act shall not apply to cases arising under an internal revenue act.

It may be noted that this provision also has long since been dead matter.

There are hundreds of other sections like the following:

SEC. 769. Nothing in this chapter contained shall affect or modify the provisions of chapter 372, Thirty-first Statutes at Large, page 790, section 5060 of the Code of the Laws of the United States.

As will be seen, the foregoing refers to the Statutes at Large and also to the corresponding section of the code.

Other sections make reference to the acts set out in the Revised Statutes and give the section where the same act can also be found in the code.

There is no good reason for this double reference.

Mr. STERLING. Mr. President——

Mr. ERNST. I yield to the Senator from South Dakota.

Mr. STERLING. I would like to ask the Senator from Kentucky what is meant exactly by the use of the term "code"? In 1878 we had the Revised Statutes, as I remember it, and not the code.

Mr. ERNST. I can say to the Senator that I do not think it should be called the code. That is a name that has been given it in the body of the compilation and is used here for reference. I think this is a compilation of the laws of the United States, and that that would be the better way of designating it.

In the first place, the acts referred to are expressly repealed by this code. In the second place, the double references in hundreds of sections throughout the code make it cumbersome, confusing, and serve no good purpose.

If it is desired to refer to the source from which a section is drawn, that should be done by a citation thereto, placed either at the side or at the end of the section.

Other sections of this code refer only to sections of the code itself, usually, however, in the following form: "Section — of the Code of the Laws of the United States."

Mr. STERLING. Then the term "code," as I understand from the Senator, applies particularly to this attempted revision?

Mr. ERNST. It applies to the revision bill, as we call it, being House bill No. 12.

It would be much simpler to make reference to other sections without in every instance repeating the words "the Code of the Laws of the United States," as such reference would be understood as referring to the sections of the bill and to nothing else.

I call especial attention to section 3705, which reads as follows:

All acts or parts of acts inconsistent with or repugnant to the provisions of chapter 69, Fortieth Statutes at Large, page 547, section 3675 of the Code of the Laws of the United States, are repealed; but nothing in said act shall repeal or in any way enlarge section 2169 of the Revised Statutes of 1878, except as specified in the seventh subdivision of section 3675 of the Code of the Laws of the United States, and under the limitation therein defined: *Provided*, That for the purposes of the prosecution of all crimes and offenses against the naturalization laws of the United States which may have been committed prior to the act of May 9, 1918, Fortieth Statutes at Large, chapter 69, the statutes and laws repealed shall remain in full force and effect: *Provided further*, That as to all aliens who, prior to January 1, 1900, served in the armies of the United States and were honorably discharged therefrom, section 2166 of the Revised Statutes of 1878 shall be and remain in full force and effect, anything in chapter 69, Fortieth Statutes at Large, page 547, section 3675, of the Code of the Laws of the United States, to the contrary notwithstanding.

Comment upon the foregoing section is hardly necessary. It is a most remarkable work of art in statute making. It does not slight either the Revised Statutes or the Statutes at Large or the the Code of the Laws of the United States.

The following provision appears in section 6802, of the code:

The excess of his salary from the Coast and Geodetic Survey paid their man shall come from the funds of this commission.

The above provision is "revised" from a provision in the river and harbor act of June 25, 1910 (36 Stat., 658), relating to the Mississippi River Commission, and reads:

Provided, That * * * the member of said commission appointed from the Coast and Geodetic Survey shall receive the same annual compensation as other civilian members of said commission, and the excess of compensation he receives from the Coast and Geodetic Survey shall be paid from the funds of said commission.

Being from the funds of the Mississippi River Commission.

SEC. 2414. The President is authorized, under the provisions of what was section 20 of chapter 294 of the Sixteenth Statutes at Large, page 319, to make and publish regulations for the government of the Army in accordance with laws existing March 1, 1875: *Provided*, That said regulations shall not be inconsistent with the laws of the United States.

It will be noted that the foregoing section refers to the provisions of "what was section 20," and so forth, of the Sixteenth Statutes at Large.

Many more examples or illustrations of the character above set out can be given, but the foregoing are abundantly sufficient to demonstrate that H. R. 12 has failed as a compilation of the laws of the United States, which makes reference to the Revised Statutes and to the Statutes at Large unnecessary.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Kentucky yield to the Senator from Montana?

Mr. ERNST. I yield.

Mr. WALSH of Montana. I was unfortunately not in the Chamber when the Senator began his remarks and possibly he has answered the inquiry I desire to address to him. I should like to ask exactly how this work was done? Did some Member of Congress in the midst of his absorbing duties endeavor to devote sufficient time to this subject to make the compilation himself or did he have the assistance of some experts in the work of compilation and revision?

Mr. ERNST. I am not advised as to that; I do not know how this work was prepared in the House.

Mr. WALSH of Montana. I am sure that neither the Senator nor myself, with the extraordinary demands that are made upon our time here, even assuming that we had any particular skill in that character of work, would be able to devote to such a subject as this the time and attention that it requires. It seems to me that a Member of the House of Representatives must be equally pressed for time in the midst of his other

duties. I suppose that a work of this kind ought to be assigned to some commission, including experts who are skilled in the matter of digesting, compiling, and so forth. I was curious to know whether any such course as that had been taken.

Mr. ERNST. I am very glad to hear the Senator from Montana say what he has. I do not know what steps were taken in the House, but I call attention to the fact later on, in my remarks. I state that work of this character can not possibly be done by any committee of either House. It ought to be done by a competent, able, experienced lawyer, assisted by a force who understand this character of work, and it would be necessary for them to give their undivided attention to it. I may as well remark here that to read this volume as one would read a novel would require some three hours of steady reading every day for two months, and to go over it in a critical way so as to analyze it, make the necessary comparisons with the existing statutes, ascertain what sections have been repealed and what have not, would require the work of many, many months by an expert force. It can not be done otherwise.

The errors to which I am calling attention demonstrate, I think, that every character of error which could creep into a compilation of this character have found their way into this

REPETITION OF SECTIONS.

Many statutes or sections are repeated, some in substance, others in exact language.

The last 16 lines of section 2879 are repeated word for word in section 2901, on the following page.

In section 2879 is found the following:

That in determining the officers with rank senior to colonel there shall be included the officer serving as major general commandant.

The identical language is repeated on the next page but one, in section 2895, which is a section of but two and a half lines and contains no other matter.

Section 2778, with the headline "Physical examination," and section 2779, with the headline "Physical disqualifications by wounds," are followed but a few pages farther on by sections 2886 and 2887, which later sections contain the same headlines and the exact language in every respect, except that the two words "Navy or" are contained in section 2778 and are not found in section 2886.

I wish to call especial attention to section 218. I am by no means reading all of the sections to which objection can be made, but am picking out some merely for purposes of illustration.

Section 218 reads as follows:

The officers and employees of the United States whose salaries were appropriated for in chapter 141 of the Thirty-eighth Statutes at Large, page 1049, by the act of March 4, 1915, are established and shall continue from year to year to the extent they shall be appropriated for by Congress. Employees of the executive departments and other establishments of the executive branch of the Government may be detailed from time to time to the office of the President of the United States for such temporary assistance as may be necessary.

Except for slight variations in sections 3327 and 5509 this section is repeated verbatim et literatim some fourteen times in the compilation, as will be seen by reference to the following sections: Sections 116, 218, 339, 511, 560, 595, 651, 909, 923, 3327, 3487, 5496, 5498, 5500, 5090.

Sections 220 and 221 under title 3, "The President," are duplicated in sections 6355 and 6356, under title 37, "Foreign Relations."

In many places throughout the compilation we find kindred subjects under totally different titles.

Section 596: The last paragraph of this section is, with slight variations, duplicated in section 587.

The last part of section 700, under the "Department of the Interior," is duplicated in section 1396, under "The judiciary."

Section 1413, under "The judiciary," is duplicated in section 5907 under "Public printing, advertisements, and public documents."

Section 1414, under "The judiciary," is substantially duplicated in section 5872 under "Public printing, advertisements, and public documents."

The last sentence of section 1490, under "The judiciary," is duplicated in section 10731 under the "Penal Code."

Section 1519, under "The judiciary," is duplicated in section 10740 under the "Penal Code."

Sections 2876, 2877, 2878, 2895, and 2901, 2902, 2903, 2904 are duplicated in a section found between those sections and numbered 2879.

There are many other duplications of sections, some in exact language, others in language substantially the same, and there are other sections which duplicate sections in part.

Other duplications will be noted elsewhere.

DEPARTMENT OF STATE.

TITLE 19.—DIPLOMATIC AND CONSULAR OFFICERS.

Many suggestions have been made by the Department of State concerning various sections of the code relating to that department. Attention is directed to the following sections:

Section 3215. Salaries: This section purports to set out the salaries paid to ambassadors and envoys on March 4, 1919. It does not correctly set out the salaries paid those officers on that date. The appropriation act of March 4, 1919 (40 Stat. 1325), provides for salaries for such offiers as follows:

"Ambassadors to Austria-Hungary, Argentina, Brazil, Chile, France, Germany, Great Britain, Italy, Japan, Mexico, Peru, Spain, and Turkey, each $17,500.

"Envoys to Belgium, China, Cuba, the Netherlands and Luxemburg, Czechoslovakia, and Poland, each $12,000.

"Envoys to Bolivia, Bulgaria, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, Greece and Montenegro, Guatemala, Haiti, Honduras, Nicaragua, Norway, Panama, Paraguay, Persia, Portugal, Rumania, Salvador, Serbia, Siam, Sweden, Switzerland, and Venezuela, each $10,000."

Attention is also called to the fact that this section speaks of "legations" to Japan, France, Germany, and Great Britain instead of "embassies."

Section 3216: The department asks, Should not this section, together with section 3217, relating to the ambassador to Argentina; 3219, relating to Paraguay; 3220, relating to Uruguay; 3221, relating to other countries; and 3222, relating to Haiti and Liberia; 3223, relating to an agent and consul general at Egypt; 3224, relating to chargé and consul general at Teheran, all be incorporated in section 3215, wherein the salaries of ambassadors and ministers are set out?

I call the especial attention of the Committee on Foreign Relations to section—

SEC. 3221. Ministers to Guatemala, Costa Rica, Honduras, Salvador, and Nicaragua: This section provides for one minister resident for all of those countries, inclusive, and gives the President the power to select the residence for the minister in any one of those States. There is now a minister in each of those countries.

SEC. 3222. Representatives to Haiti and Liberia: The representative to Haiti is referred to as minister resident and consul general, with a salary of $7,500.

He appears to have been accredited as envoy extraordinary and minister plenipotentiary since 1901. He now receives a salary of $10,000. (31 Stat. 884.)

SEC. 3224. Chargé and consul general at Teheran: This provision specifically amended section 1675, Revised Statutes. Section 1675 is found in section 3215 of this bill. It is difficult to understand why the amendment was not carried into the section, instead of making it a separate section. Further, the representative to Persia, since at least 1905 (32 Stat. 916), has been designated not chargé and consul general but "envoy extraordinary and minister plenipotentiary," and his salary in the act of March 4, 1919 (40 Stat. 1326), was fixed at $10,000.

The section has been obsolete for more than 15 years and should be omitted from the bill.

SEC. 3230. Secretary of legation to Turkey: This section provides that the consul general at Constantinople shall be the secretary of the legation to Turkey, but shall receive compensation only as consul general.

This provision of law seems now obsolete. The legation at Constantinople was a number of years ago raised to the rank of embassy. For several years a secretary of legation was provided for in the annual appropriation acts. (38 Stat. 443.) Since the passage of the act of February 5, 1919 (38 Stat. 805), providing that secretaries should be appointed by commission to the office of secretary, and not by commission to any particular post, secretaries have been assigned to the mission at Constantinople.

SEC. 3231. Interpreter to legation to Turkey: The word "legation" should apparently be changed to "embassy," which is now the designation of our diplomatic mission.

SEC. 3232. Interpreter of legation to Japan: This provides for a salary of $2,500 to the interpreter to the legation to Japan. In more recent years the interpreter has been referred to in appropriation acts as "Japanese secretary and interpreter to embassy to Japan, $3,000" (34 Stat. 288); as "Japanese secretary of embassy to Japan, $3,600" (39 Stat. 1048); and as "secretary interpreter of embassy to Japan, $3,600" (40 Stat. 520).

Similar provisions have also been made for the embassy in Turkey and the legation in China, as will be noted from the acts cited.

SEC. 3246. Consul assistant's salary: This provision, with the exception of the last three lines, which seem to have no particular value, is duplicated in section 3258, upon the following page of this compilation. One or the other might be omitted. The last three lines of section 3246 read as follows: "and section 1704, Revised Statutes, its amendatory act of June 11, 1874, and all other acts inconsistent with this provision, are so amended."

Section 3248. Can draw one salary only: This same provision is contained in the last three lines of section 3239, on the preceding page of the compilation.

Section 3249. Interpreter for consulates in China and Japan: This provision providing for interpreters for consulates at the places named therein appears to have been taken from an appropriation act for the fiscal year ending in 1875, and does not appear in recent appropriation acts, and consequently it is hardly to be considered as permanent legislation.

Section 3250. Interpreter at Bangkok: This section provides that the salary of the interpreter at the consulate of Bangkok shall not exceed $500 a year. Appropriation acts for the past several years have allowed the interpreter at Bangkok $1,500. (40 Stat. 520.)

Section 3282. Notarial fees: This section should be included within the first part of section 3304, as it imposes upon consular officers the duty of taking acknowledgments and administering oaths when requested. Under section 3304 it was to a certain extent optional with the officer whether he would take an acknowledgment or administer an oath or not.

Section 3286. Penalty for wrongful conduct: Since the passage of the act of March 4, 1915 (38 Stat. 1164, 1167, 1170), under section 18 of that act, the authority of consuls to "reclaim deserters" from vessels was repealed, and this section should be amended to conform to the change made by the act of 1915.

TITLE 37.—FOREIGN RELATIONS.

Section 6294: Arrest of seamen.

Section 6295: Commitment and discharge.

So much of these sections as related to the arrest or imprisonment of officers or seamen, deserting, or charged with desertion, and for the cooperation of the local authorities in effecting such arrest or imprisonment, was specifically repealed by sections 16 and 17 of the act of March 4, 1915 (38 Stat. 1184), and these sections should be corrected accordingly. This Government has abrogated all treaty provisions which would permit arrest or imprisonment for desertion.

Section 6297. Judicial authority: The extraterritorial jurisdiction of the United States in Egypt results from a treaty with the Ottoman Empire made in 1830, and not with Egypt, as stated in the section.

With respect to China, the jurisdiction of the minister to China was taken away by the act of June 30, 1906 (34 Stat. 814), and most of the jurisdiction that had theretofore been exercised by consuls was vested in the United States Court for China by that act. The section should be corrected to state the law.

Section 6300: Laws of the United States extended over citizens.

Section 6305: Appellate jurisdiction of ministers.

Section 6307: Arbitration of civil cases.

Section 6311: Capital offenses.

Section 6312: Execution and pardons.

Section 6317. Minister's jurisdiction defined.

Section 6329. Turkey embraced within provisions of title.

In connection with each of these sections, reference is made to the comment on section 6297.

Ministers, since the passage of the act of June 30, 1906 (34 Stat. 814), exercise no jurisdiction, civil or criminal, in China, and each of these sections should be corrected to conform to the law.

Section 6333. Tripoli, Tunis, Morocco, Muscat, and Samoan Islands, and other countries: The United States, as a result of treaties and conventions, has not exercised extraterritorial jurisdiction in Tripoli, since 1913 (see Foreign Relations 1913, p. 608); in Tunis, since the convention with France on March 15, 1905; in Zanzibar, since 1907 (see Foreign Relations 1907, p. 574); and in the Samoan Islands since the convention of 1899, between the United States, Germany, and Great Britain, went into effect.

RIVERS, HARBORS, AND CANALS.

TITLE 39.

This title, excluding therefrom chapter 11, relating to the Panama Canal Zone, is made up of 78 sections. Of this number at least one-fourth have been repealed, executed, or are obsolete, or are special provisions applying to particular rivers or creeks. Most of the sections in chapter 11 relate to the Panama Canal Zone and have no proper place in this title, but belong under the title "Insular affairs," and do not relate to the canal but to the government of the Canal Zone.

In this title—"Rivers, harbors, and canals"—are a number of sections which apply only to particular rivers or creeks, such as acts which declare certain streams to be navigable or nonnavigable, which authorize the lease of water powers, or which authorize the purchase or condemnation of certain canals.

Acts of this character are no more to be considered general laws than are the acts which authorize certain companies or persons to construct bridges over particular streams.

It may be that with respect to New York Harbor, or perhaps Chicago Harbor, in view of the extent of the provisions applying to them, it might be convenient to include them in this bill. If the omission of the other provisions should cause doubt, such doubt could be removed by omitting such acts and by including among the general and repealing provisions of H. R. 12 a section to the effect that nothing in this bill shall affect, modify, or repeal such acts.

It is desired to call especial attention to a few of these sections.

Section 6806: This section appears to be a paraphrase of paragraphs (a) and (b) of the flood control act of March 1, 1917 (39 Stat. 948). As drawn it is inaccurate, as well as redundant.

The entire section from which this section is drawn is set out in this bill as section 6819.

Section 6817: This section is subject to the same criticism as the foregoing. It merely repeats a portion of section 6820 of the bill and should be eliminated.

Section 6833: This section is obsolete. The Louisville and Portland Canal has been owned and operated by the Government for nearly 50 years. Tolls and operating charges upon the Government-owned canals were abolished by the act of July 5, 1884. This section was amended March 3, 1909, and the amendment is set out in section 6827 of this bill.

Section 6843: The act from which the first part of this section is taken was repealed by the act from which the second part of this section is taken, as can be seen upon careful examination.

Section 6861: The first three paragraphs of this section refer to a privilege granted a Michigan power company to divert water from the St. Marys River into its canal, but this grant was repealed by the act of March 3, 1909, and both paragraphs should therefore be omitted.

Section 6864: This section is taken from section 10 of the river and harbor act of September 19, 1890 (26 Stat. 454), which was repealed and superseded by sections 10 and 12 of the river and harbor act of March 3, 1899 (30 Stat. 1152), which appear as sections 6863 and 6867 of this bill. The section having been specifically repealed, it should, of course, be omitted.

Section 6865: This section from the river and harbor act of 1875 (19 Stat. 139) was repealed by section 14 of the act of March 3, 1899 (30 Stat. 1152), which act is set out in section 6870 of this bill. This is another illustration of what we find frequently throughout this compilation, namely, two flatly contradictory sections.

Section 6874: This section, taken from section 11 of the river and harbor act of September 19, 1890 (26 Stat. 455), was repealed by section 17 of the act of March 3, 1899 (30 Stat. 1153), which is fully set out in the preceding section, No. 6873, two more flatly contradictory sections.

Section 6879: This is a special provision of a temporary nature. The work has already been done. There is no reason for including this section in the bill.

Section 6880: The first part of this section is set out in section 6805 and should not be repeated. The latter part of the section is a special provision in the river and harbor act of August 8, 1917. The changes there authorized have been made and the work completed. The section should be omitted.

Section 6885: This is a special provision of a temporary nature in the river and harbor act of July 27, 1916 (39 Stat. 403). By the terms of the item the experiment was to be made within two years. It, therefore, no longer has any force, and the section should be omitted.

Section 6890: This is a small part of a special provision in the river and harbor act of June 13, 1902 (32 Stat. 340), which is fully covered by the general provision found in section 6889, which latter provision vests in the Secretary of War the authority to use such means as he may deem necessary to accomplish the purpose named. It adds nothing to the general authority conferred by section 6889, and should be omitted.

Section 6892: This section contains a special grant to James A. Moore, in the act of June 11, 1906 (34 Stat. 231), to construct a canal to connect the waters of Puget Sound with Lake Washington. Later (34 Stat. 1108), the grant was modified. Later, Congress, by the act of June 25, 1910 (36 Stat. 666), made an appropriation for the construction of the canal, and under which the canal and locks have been completed and the grant to Moore extinguished. The section, therefore, is dead matter.

Section 6910: This section is merely a duplication, it being set out in section 6896, and should be omitted.

Section 6933: This is an act authorizing the purchase of certain land which has long ago been obtained and paid for by the Government and the Government has been in possession of it for several years.

Section 6951: By this section the Secretary of Commerce is authorized to establish anchorage ground in Chicago Harbor. By a later act this authority is vested in the Secretary of War (sec. 6957). Flatly contradictory sections, only six sections apart.

Sections 6960 to 6991: These sections under the title "Rivers, harbors, and canals," contain the entire law providing a government for the Panama Canal Zone. A few of the sections, namely, 6960, 6961, 6962, 6966, 6968, and probably portions of two or three other sections which relate to the ownership and operation of the canal, should be included in this chapter; but why should section 6965, providing for the government of the Canal Zone, and sections 6967 and 6968, relating to courts and judicial procedure, and section 6973, a part of which regulates the passage of persons through the Canal Zone, why should these sections and a number of others be placed in this chapter? These sections should be placed under the proper title in this compilation, "Insular affairs." In this compilation, laws relating to Territories and insular possessions are found in the two separate titles. Title 25 bears the heading "The States and Territories," and contains four chapters which bear headings as follows:

Chapter 1. The States;
Chapter 2. Alaska;
Chapter 3. Hawaii; and
Chapter 4. Territorial provisions.

Under title 26, entitled "Insular affairs," there are four chapters with headings as follows:

Chapter 1. Porto Rico;
Chapter 2. The Philippine Islands;
Chapter 3. Guam and Guano Islands; and
Chapter 4. The Virgin Islands.

Porto Rico is placed under the title "Insular affairs," while Hawaii is placed in the title "The States and Territories."

There are many other errors under this title to which attention will not now be called.

Mr. HARRISON. Mr. President, I came into the Chamber after the Senator had begun his speech. Is the Senator now giving the reasons why, in his opinion, this legislation codifying the laws should not be passed by the Senate at this time?

Mr. ERNST. That is correct.

Mr. HARRISON. The reason why I asked the question is that I did not hear the preliminary statement of the Senator. The Senator is now giving the reasons why, in his opinion, the legislation should not be passed at this time?

Mr. ERNST. That is correct.

THE NAVY.

I desire to call the especial attention of the Senate to a number of objections made by the Navy Department.

There are many mistakes running all through this title and they begin with the first section.

Section 2438: The section speaks of rear admirals (first nine) and rear admirals (second nine). This is not correct. The proper titles of these officers are "rear admirals, upper half of grade or rank." and "rear admirals, lower half of grade or rank." (39 Stat., 577, 578.)

Section 2452: The last sentence of this section should be omitted, as it is a duplication of the last sentence of section 2456, and belongs in that section.

Section 2463: This section is from the naval appropriation act of August 22, 1912 (37 Stat., 344); but the provision carried into this section was expressly repealed by the provision in the naval appropriation act of July 1, 1918 (40 Stat., 708). So this section, as well as section 2464, are dead matter and have no place in this bill.

Sections 2465 to 2470: These sections are taken from the naval appropriation act of August 22, 1912 (37 Stat., 344).

The naval appropriation act of July 1, 1918 (40 Stat., 710), provided for a Dental Corps, which provisions are carried into sections 2472 to 2475, inclusive, and then repealed.

All acts or parts of acts inconsistent with the provisions of that act.

The only provision in the act of 1912 which is not inconsistent with the provisions of the act of 1918 is that which declares that appointees in the Dental Corps—

Shall not exercise command over persons in the Navy other than dental surgeons and such enlisted men as may be detailed to assist them by competent authority.

The only portions, then, of sections 2465 to 2470 which were not inconsistent with the provisions of the act of 1918 is the above provision just quoted. It can be carried into its proper place in section 2472 and sections 2472 to 2475 omitted from the bill.

Section 2471: This was a special provision, applying only to one officer. A similar provision was carried into the act of 1918 and carried into the first proviso of section 2475. I am advised that the officer specifically referred to in these provisions had reached the age of 70 years and had been placed on the retired list prior to March 1, 1919. Section 2471, as well as the similar provision in section 2475, should be omitted.

Section 2479: This last sentence of this section, "The Secretary of the Navy is empowered to limit and fix the numbers in the various ratings," relates to the ratings of the enlisted men only, and not to pharmacists, and should be transposed to and made the last sentence of section 2482. The "enlisted ratings" are given in section 2478 of the bill.

Section 2486: The provision carried into this section is obsolete, having been superseded by the provision from the naval act of August 29, 1916 (39 Stat. 576), carried into section 2439.

Section 2489: The words in the last two lines of the section, "subject to such examinations as may be prescribed by the Secretary of the Navy," should be omitted. Being staff officers, under the provision carried into section 2709 they are not required to take examinations except for "regular advancements in rank." Sections 2781 et seq. regulate the examinations for promotions in grade.

Section 2500: The act of March 3, 1899 (30 Stat. 1005), abolished the Engineer Corps of the Navy and transferred the officers thereof to the line of the Navy. There are, therefore, no longer "chief engineers" as such in the Navy. To state the law as it stands at present, the section should read:

The President may designate among the officers of the Navy performing engineering duty only, and appoint to every fleet or squadron an engineer, who shall be denominated "engineer of the fleet."

Section 2512: The proviso in this section is obsolete, as it has been superseded by the provision carried into section 2439, which provides that the commissioned officers of the Construction Corps shall be 5 per cent of the total number of commissioned officers of the line of the Navy. The proviso should be omitted, as it is dead matter.

Section 2513: This section provides that certain officers having not less than three years' service shall be eligible for transfer to the grade of assistant naval constructor. That provision of the section has been superseded by the later provision in section 2441, that—

Hereinafter ensigns of not less than one year's service as such shall be eligible for transfer to the Construction Corps.

The section should be corrected to conform to this later provision.

The proviso to the section has been superseded by the later law found in sections 2439-2441 of this bill, and should be omitted.

Section 2525: The provisions of this section were superseded by the later provision found in section 2795. The law governing the examinations of officers for promotion are set out in sections 2781 et seq. The section is dead matter.

Section 2531: The provision contained in this section is repealed and superseded by the later provision found in the next, section 2532.

Section 2534: This provision is repealed by the act contained in section 2532.

Section 2536: The act of April 25, 1917 (40 Stat. 38), provides that any enlistment for minority in the Navy or Marine Corps may be extended as provided for extending a term of enlistment for four years. The words "four year," in line 7 of this section, should be omitted, and 40 Stat. 38, cited as authority for this action.

Section 2542: The provision contained in this section has been dead matter for many years. The enlisted strength of the Navy is fixed by the law in section 2541.

Section 2547: The second sentence of this section, as compiled, provides that "honorable discharges may be granted to all enlisted persons in the Navy who have enlisted for four years." The act of June 11, 1896 (29 Stat. 476; 2 Supp. 531) extends the benefits of honorable discharge to "all enlisted persons." Therefore the words "who have enlisted for four years" in the fourth line of the section should be omitted.

Section 2549: The three months granted by law as the limit of time in which to receive the pecuniary benefits of discharge was, by the act of March 3, 1899 (30 Stat. 1003; 2 Supp. 973), extended to four months; and that provision was again amended (in other respects) by the act of August 22, 1912 (37 Stat. 331). The words "three months" in the fifth line of the section should be changed to "four months."

Section 2558: This section is not of a general nature, but relates to the acceptance, from the State of Rhode Island, of Coaster's Harbor Island for use as a naval training station. The cession was made and accepted 40 years ago, and this sec-

tion can serve no purpose here, its provisions being fully executed.

Section 2559: What is said with respect to section 2558 is true of this section. Its provisions have been fully executed, and it has no place in this compilation.

Section 2563: The provisions of this section were repealed by the provisions of the act of May 13, 1908 (35 Stat. 128), which provides that "an officer of the Navy," after 30 years in the service, may, upon his own application, be retired. This language includes all officers of the Navy who have served 30 years.

Section 2563 should be omitted.

Section 2564: There is no officer now on the active list of the Navy to whom this provision can apply, all officers to whom it could apply having been retired. It should be omitted as being executed.

Section 2579: As here set out, this section is inaccurate in that it provides that all officers failing to pass the physical examination should be retired with the rank to which their seniority entitled them to be promoted, and Thirty-sixth Statutes, 1267, is cited as the source of the section.

This provision was amended by the naval act of August 29, 1916 (39 Stat. 579), with respect to the grades of commander, captain, and rear admiral. By this amendment officers failing to pass the physical examination "shall not be considered, in the event of retirement, entitled to the rank of the next higher grade."

Then the act of July 1, 1918 (40 Stat. 718), extended the provisions of the act of 1916 to officers of the line.

To correctly state the law will require the insertion of the words "below the rank of lieutenant commander" after the word "Navy" in the second line of the section.

Section 2580: The word "sea," in the last line of the section, should be eliminated, as the act of May 30, 1908 (35 Stat. 501), declares that the 10 per cent additional allowed for service beyond the limits of the United States should not be included in computing the retired pay of naval officers. See section 2678 of the bill.

Section 2583: The Navy Department states that this section is executed and obsolete, as there is no officer now in the Navy who can possibly be affected by this provision.

Section 2586: The act of August 29, 1916 (39 Stat. 579), fixed 64 years as the age for retiring, instead of 62 years. The words "sixty-four" should be substituted for "sixty-two" in the third line of the section.

Section 2587: This section as compiled provides that the next officer in rank shall be promoted to the place of a retired officer, but the act of August 29, 1916 (39 Stat. 579), and the act of July 1, 1918 (40 Stat. 718), provide that in the case of an officer in the rank of commander and above the vacancy shall be filled by selection and promotion and not by seniority, so that the provisions of this section apply only to the grades below commander. The words "except as otherwise provided in this title" should be inserted at the beginning of the section.

Section 2589: Standing as it is this section is in conflict with section 2596 (from a later statute), which provides that officers on the retired list restored to active duty, under certain conditions, may receive an increase of pay. Section 2589 should therefore be amended by inserting at the beginning thereof the words "Except as provided in section 2596."

Section 2590: This section as it is compiled is in direct conflict with section 2599 (from a later act). To reconcile this conflict section 2590 should be amended by inserting at the beginning of the section the words "Except as provided in section 2599;" or the latter section added as a proviso to section 2590.

Section 2595: This section as it stands is in direct conflict with respect to some of its provisions with the later act of March 2, 1907 (34 Stat. 1217). This later act is entitled "An act providing for the retirement of noncommissioned officers, petty officers, and enlisted men of the Army, Navy, and Marine Corps of the United States"; and it repeals "all acts and parts of acts so far as they conflict with the provisions of this act." This act appears as section 2052 in the title The Army.

Section 2601: All that part of this section beginning with the words "and the accounting," in line 10 and to the end of the section, were remedial, the accounts have been adjusted and paid, and the provision fully executed. It is therefore dead matter and should be omitted.

Section 2602: This section fixes the pay of admiral at $13,500. At the time the act from which the section is taken was passed Admiral Dewey was the only admiral, but in the act conferring upon him this title it was provided that upon his death the title should cease (30 Stat. 1045; 2 Supp. 988). Later the act of March 3, 1915 (38 Stat. 941, 942), provided that while holding the position of commander of the Atlantic, Pacific, and Asiatic Fleets the officers holding such positions should have the rank and pay of admiral, and fixed the pay at $10,000, and also provided that the second in command should have the rank of vice admiral, and fixed the pay at $9,000 per annum.

The provisions of this later law are carried into section 2443 of this bill, where the pay of admiral and of vice admiral is correctly stated.

Section 2604: Under the provisions carried into section 2602 "all commissioned officers of the active list of the Navy shall receive the same pay and allowance, according to rank and length of service." Naval constructors, assistant naval constructors, professors of mathematics, and civil engineers are "commissioned officers" whose pay is fixed by the law found in section 2602. Section 2604 should be corrected by striking out all matter, beginning with the words "naval constructors," in line 8, to and including the words "two thousand six hundred dollars," in line 3, top of page 230.

In addition to this conflict of provisions there are several other minor errors in the section.

Section 2608: The first sentence of this section is from the act of March 3, 1899 (31 Stat. 1108; 2 Supp. 1548), and includes officers of the Navy and officers and enlisted men of the Marine Corps.

The second sentence, while it sets out the exact language of the act of May 13, 1908 (35 Stat. 128), in the act itself refers only to officers of the Navy. The pay of officers of the Marine Corps is the same as the pay of officers of the Army (see sec. 2917 of the bill), which is to be found in sections 2069 et seq. of this bill. The sentence should be changed so as to apply only to officers of the Navy, and should read:

All commissioned officers of the Navy on sea duty and all such officers on shore duty, etc.

Section 2613: The act of May 13, 1908 (35 Stat. 127) provides that all commissioned officers of the active list of the Navy shall receive the same pay and allowances according to rank. It also provided that nothing in that act should be construed so as to reduce the pay or allowances now (on May 13, 1908) authorized by law for any commissioned officer, etc., of the active or retired lists of the Navy.

The provision carried into section 2613 is from the act of June 29, 1906 (34 Stat. 554). This act fixed the pay of chaplains then in the service. The section should be corrected so as to preserve the pay of the chaplains in the service on that date.

Section 2614: The provision found in this section was repealed by a later enactment, found in section 2602 of this bill. The section should be omitted.

Section 2617: The provisions of law found in this section were modified by the provision in the act of May 22, 1917 (40 Stat. 86), section 5, and also in the act of July 1, 1918 (40 Stat. 716). Concisely stated, the section should read:

Midshipmen graduated from the Naval Academy may be commissioned effective from date of graduation, and shall be allowed the pay of the grade in which so commissioned from the date they take rank as stated in their commissions to the date of qualifications and acceptance of said commissions. (27 S. 716; 32 S. 686; 40 S. 86; 40 S. 716.) (See sec. 2704.)

Section 2618: The provision in this section is superseded by a later enactment contained in section 2619 of the bill; and section 2618 should be omitted as dead matter.

Section 2621: The provisions of this section have been superseded by the later law found in section 2619 of this bill.

Section 2626: The act carried into this section was superseded by a subsequent enactment found in section 2627 and in section 2628.

Section 2631. The provision found in this section was superseded by the provision carried into section 2632.

Section 2638: This provision of law was superseded by the provisions of the later act found in section 2602 of this bill.

Section 2641: The first part of the section which authorizes the President to fix the pay of petty officers, excepting mates, etc., was repealed by the provisions in the act of May 13, 1908 (35 Stat. 128), which increased the pay of those officers and provided that the pay as so fixed should remain, until changed by act of Congress. The section should be changed to conform to the act of 1908, to read:

The rates of pay provided for all active and retired enlisted men of the Navy, prior to May 13, 1908, are increased 10 per cent and, as so increased, shall remain in force until changed by act of Congress. (35 S. 128.)

Section 2644: The provision carried into this section was repealed by section 3 of the act of February 28, 1919 (40 Stat. 1203), which is found in section 2169 of this bill, in the title

"The Army." Changed to apply only to the Navy and the Marine Corps, the section should be changed to read:

An enlisted man honorably discharged from the Navy or Marine Corps shall receive 5 cents per mile from the place of his discharge to his actual bona fide home or residence or original muster into the service, at his option: *Provided*, That for sea travel on discharge, transportation and subsistence only shall be furnished to enlisted men: *Provided further*, That naval reservists duly enrolled who may be honorably released from active service shall be entitled likewise to receive mileage as aforesaid (40 Stat. 1203).

Section 2646: The law contained in this section is also included in section 2554 of this bill.

Section 2659: The provision carried into this section was superseded by the act carried into section 2661.

Section 2675: This section is section 1588, Revised Statutes. That section provides, among other things, what the retired pay shall be for officers who have performed 45 years' service, after reaching the age of 16 years. As compiled, to be entitled to retired pay, the officer would have to serve 45 years after reaching the age of 64 years, in other words, the officer would have to be 109 years of age before he would be entitled to retired pay. The word "sixteen" should be substituted for "sixty-four" in the third line of the section.

As a matter of fact, section 1588, Revised Statutes, has been modified by several later acts. See sections 2561, 2579, 2580, 2581, 2584, and 2792.

Section 2676: As compiled, this section in some of its provisions is in conflict with the provisions of section 2596. To reconcile this conflict there should be inserted at the beginning of the section the words "Except as provided in section 2596."

Section 2679: There should be inserted at the beginning of this section the words "Except as otherwise provided in this title," for the reason that there are other and later provisions of law which modify the law carried into this section. See sections 2596, 2597, 2600, and 2681.

Section 2683: This section is in direct conflict with the provisions of the later law carried into section 2589.

Section 2686: The provision in this section is superseded by the later law, found in section 1828, title "The Army."

Section 2692: The act of August 29, 1916 (39 Stat. 576), increased from 10 to 15 the number of midshipmen the President was authorized to appoint annually to the Naval Academy, and the act of March 4, 1917 (39 Stat. 1182), increased from 25 to 100 the number that might annually be appointed to the Naval Academy by the Secretary of the Navy. If this section should become a law in the form in which it appears in this bill, the effect will be to increase from 15 to 30 the number of midshipmen the President annually may appoint to the academy.

Section 2694: This section is merely a duplication of the provisions regulating the appointment of 100 midshipmen annually by the Secretary of the Navy. It is a useless repetition and should be omitted from the bill.

Section 2719: The first sentence of this section is from the naval act of March 2, 1895 (28 Stat. 837).

The remainder of the section is from the naval act of March 3, 1897 (29 Stat. 661). The only purpose of the provision was to authorize the proper pay officer to pay the professors the increase in their compensation which had been granted in the act of 1895 from July 1, 1896. It was merely temporary legislation and long since executed, and should be omitted.

The first sentence is obsolete, as it is superseded by the provision in the naval act of August 29, 1916 (39 Stat. 607), which appears as section 2714 of this bill.

Section 2719, therefore, is obsolete, and should be omitted.

Section 2758: This section is obsolete, having been superseded by the provision in the naval act of July 1, 1918 (40 Stat. 717), carried into section 2625 of this bill.

Section 2760: This section is likewise dead matter, having been superseded by the provision of law carried into section 2625 of this bill.

Section 2764: As to officers entering the service after March 4, 1913 (37 Stat. 892), they take precedence according to their respective dates of commission, which provision is found in section 2809 of this bill. The latter section should be a proviso to section 2764, or the words "except as provided in section 2809" should be inserted at the beginning of the section.

Sections 2767, 2768, 2769: The provisions found in these sections were superseded and repealed by the act of August 29, 1916 (39 Stat. 577), carried into section 2441 of this bill.

Section 2772: The provision appearing in this section was repealed by the act of June 30, 1914 (38 Stat. 404), which is found in section 2504 of this bill.

Section 2782: This section is in direct conflict with the provisions of a later law, carried into section 2800 of this bill. Section 2782 is, therefore, dead matter.

Section 2785: Under the terms of this section the whole record and finding shall be presented to the President for his approval or disapproval of the finding.

The provisions of the act of May 22, 1917 (40 Stat. 90) authorize the President to direct the Secretary of the Navy to take such action on the records of promotion boards "as is now required by law to be taken by the President," which has been carried into section 2795 of this bill. This later provision is in conflict with section 2785.

Section 2794: This section provides that any officer of the Navy below the rank of commander who upon examination for promotion is found not professionally qualified shall be suspended from promotion for a period of six months, whereas by the later law of August 29, 1916 (39 Stat. 579), any officer selected to pass an examination for promotion who shall fail to pass the professional examination "shall thereafter be ineligible for selection and promotion." This later provision is carried into section 2791 of this bill, and is in direct conflict with the provisions of section 2794.

Section 2797: This section furnishes another illustration of the careless manner in which the sections have been arranged in this bill.

The provision of law found in this section is from the act of August 29, 1916 (39 Stat. 579). This section forms a part of the law found in sections 2788–2791, and should follow section 2789. The board spoken of in the section is the board of selection provided for in section 2788. Without going to the source of the law, no one could tell what board is referred to in the section—whether an examining board or the board of selection.

Section 2828: This section shows upon its face that it is merely temporary legislation, and has no place in this compilation.

TITLE—THE NAVY.

CHAPTER IX—THE MARINE CORPS.

Attention is specially called to the duplications in this chapter.

Section 2874: The act of August 29, 1916 (39 Stat. 609), changes the title of "commandant," as set out in section 2874, to that of "major general commandant," and this section should be changed accordingly.

Section 2879: This section seems to be the parent section from which several other sections are drawn.

The first four lines of the section and the word "follows," in the fifth line, are a "made up" provision, and might be construed in their present form to be in addition to the officers named in section 2875, and should be changed to state the fact or omitted.

Here are some of the duplications from the section:

The first proviso of the section is duplicated in section 2876.

The second proviso is duplicated in section 2878.

The fifth proviso is duplicated in section 2877.

The sixth proviso is duplicated in section 2902.

The first part of the seventh proviso is duplicated in section 2904.

The second sentence of the seventh proviso is duplicated in section 2903.

The remainder of the seventh proviso is duplicated in section 2901.

Section 2883: This section, while correctly fixing the ages between which persons may be appointed to the grade of lieutenant from civil life, does not contain the provision in the act of March 3, 1903 (32 Stat. 1198), that appointees to the grade of lieutenant from noncommissioned officers shall be between the ages of 21 and 27 years.

I have been unable to find this provision in the bill; and if not in the bill this section should be amended by incorporating that provision.

Section 2884: This section is drawn from the act of August 29, 1916 (39 Stat. 611); and in that act, immediately following the provision found in this section, is the following:

That no midshipman at the United States Naval Academy or cadet at the United States Military Academy who fails to graduate therefrom shall be eligible for appointment as a commissioned officer in the Marine Corps until after the graduation of the class of which he was a member.

I have been unable to find this provision in this bill. It should be added to this section.

Section 2899: This section states that the staff of the Marine Corps shall be separate from the line; while the act of August 29, 1916 (39 Stat. 610), declares that vacancies thereafter occurring in any grade of the staff department should be filled by detail, for a period of four years, from the line.

This latter provision appears in sections 2879 and 2901.

Section 2899 should therefore be omitted.

Section 2900: This section provides for the composition of the staff of the Marine Corps, as provided in the act of March 3, 1899 (30 Stat. 1009), but that provision has been modified by the act of August 29, 1916 (39 Stat. 610).

This section does not, therefore, state the law with respect to the staff of the Marine Corps.

The foregoing are not the only errors under the title "The Navy," but are some of the serious mistakes and duplications that are to be found therein. Many more, of a more or less serious character, are to be found in it. So, too, but few of the omitted provisions are referred to. The foregoing are sufficient, however, to indicate the character of the compilation and the confusion that will exist in attempting to execute the laws relating to the Navy should House bill 12 become a law.

It is not surprising, therefore, that the Secretary of the Navy in his letter, calling attention to the foregoing and to other defects in the bill, states:

> It is obvious that the inclusion of provisions which have heretofore been and now stand repealed would be enacting law which, for reasons best known to Congress and the department, have been specifically repealed. The result would be confusion compounded and result in an intolerable situation. * * *
>
> It is reasonable to believe that if the compilation in its present form should become law it would be impossible for the department to determine the status of the law in a large number of instances affecting the personnel of the naval service, and, further, that it would be necessary to request immediate legislation on these points reenacting the law as it now exists but as it has not been incorporated in said compilation.

In a subsequent letter the Secretary of the Navy adds:

> To reenact these repealed provisions would not only result in constructive legislation detrimental to the naval service, but would also result in such confusion that it would be impossible to administer the naval service in several important particulars until subsequent legislation had been obtained to eliminate the damage done by enacting this codification into law. * * *
>
> Suffice it to say that this department is very anxious to promote a careful and comprehensive codification of all the laws of the United States, and that it is particularly interested in a proper codification of the laws relating to the Navy. It must, however, recommend that it be not enacted into law until the very many obvious errors contained therein have been corrected and the provisions of law omitted therefrom incorporated therein.
>
> You are advised, therefore, that this department is of the opinion that H. R. 12 in its present form should not be enacted, and that in respect to those titles which affect the naval service only a most careful revision and in many instances a complete reconstruction thereof will suffice.

TERRITORIAL PROVISIONS.

TITLE 25, CHAPTER 4.

Most of the sections in this chapter are taken from the Revised Statutes and are dead matter, having become obsolete when Arizona and New Mexico, the last of the Territories to which they applied, became States.

They can serve no useful purpose in this bill.

Alaska: Alaska has a complete system of government—legislative, executive, and judicial—which is set out in the organic act of August 24, 1912. (37 Stat. 512.)

Hawaii: The organic act of April 30, 1900 (31 Stat. 141) establishing a complete system of Government—legislative, executive, and judicial—for Hawaii.

Porto Rico: The new organic act of March 2, 1917, an act entitled "An act to provide a civil government for Porto Rico, and for other purposes," establishes a complete government for Porto Rico with legislative, executive, and judicial departments.

Philippine Islands: The new organic act of August 29, 1916 (39 Stat. 545), is that of a completely organized Territory, and it has a governmental organization with legislative, executive, and judicial departments.

These organic laws governing these Territories are fully set out in the other chapters, title 25 and in title 26 of the code.

There is no necessity to have further enactment of other laws relating to these Territories which can not be applied to them and which will but serve to confuse. It simply encumbers the new compilation with dead matter which can be of no possible use.

For the purpose of demonstrating the obsolete character of the sections in this chapter, reference is here made to a few of the sections and then to the corresponding section of H. R. 12, which relate to Alaska, Hawaii, and Porto Rico:

Section 3957. Governor: 3796, Alaska; 3925, Hawaii; and 4046, Porto Rico.

Section 3958. Veto power: 3776, Alaska; 3914, Hawaii; and 4071, Porto Rico.

Section 3959. Secretary: 3797, Alaska; 3926, Hawaii; and 4049 Porto Rico.

Section 3961. Legislative power: 3766, Alaska; 3884, Hawaii; and 4060, Porto Rico.

Section 3968. The legislature: 3766, Alaska; 3902–3910, Hawaii; and 4061–4062, Porto Rico.

Chapter 4 of title 25 contains sections in the code 3957 to 4038, inclusive. An examination of each one of these sections will demonstrate that there are but very few of them which can possibly be applied to our Territorial possessions.

These obsolete sections should be omitted from the code.

There is submitted herewith a memorandum prepared in the office of the Judge Advocate General of the War Department, which sets out with great care and minuteness the laws and conditions covering Alaska, Hawaii, Porto Rico, and the Philippine Islands, a careful examination of which should be made by anyone interested in this new compilation. It clearly demonstrates that much confusion, uncertainty, and litigation would necessarily follow the enactment of this bill.

Unanimous consent is asked that the memorandum above referred to be printed in full in the RECORD at the end of these remarks, and also that a letter from John Rustgard, attorney general of Alaska, in a report upon this bill (H. R. 12) to the governor of Alaska, be also printed in the RECORD at the end of these remarks.

The VICE PRESIDENT. Without objection, it is so ordered. (See Appendix 1.)

Mr. Rustgard, in concluding his letter, makes the following statement:

> These are a few of the objections to the new compilation which occur to me at the present time after, as I have stated, a cursory examination of the subject.
>
> If Alaska could be left out of the new code, it would give me considerable pleasure to assist in compiling and revising the Federal enactments of a permanent nature touching this Territory. I am satisfied that such task must be undertaken in the near future. At any rate, an effort should be made to have some changes made in the compilation in question before it becomes a law.

PUBLIC PRINTING—TITLE 34.

Section 5769: This section provides that "every bill and joint resolution in each House of Congress at the stage of the consideration at which it was engrossed prior to November 1, 1893, shall be printed, and such printed copy shall take the place of what was known before that as, and shall be called, the engrossed bill or resolution," and so forth.

The law with respect to printing bills or resolutions as it existed prior to November 1, 1893, is not set out in the compilation, and therefore it can not be determined at what stage of passage the bill should be printed.

Section 5771: The provision in this section was superseded by the provision in section 5770. There is now no time "when there is no joint committee of the two Houses of Congress." The section should, therefore, be omitted.

Section 5788: By the act of May 27, 1908 (35 Stat. 381, 382), Congress created the office of a Deputy Public Printer and defined his duties, and provided that he should perform the duties theretofore performed by the chief clerk. Among such duties were those set out in this section. The words "chief clerk" appear three times in this section as compiled. These words should be stricken out and the words "Deputy Public Printer" substituted therefor.

Section 5802: The same change should be made in this section as in section 5788 and for the same reason.

Section 5821: This section is obsolete and is superseded by the provisions of the sundry civil act of May 27, 1908 (35 Stat. 382), which is set out in the last paragraph of section 5786 of H. R. 12.

Section 5830: The word "otherwise" in the fifth line of this section should be changed to "hereinafter" to conform to existing law.

Section 5870: The Superintendent of Documents and not the Secretary of State is authorized to sell copies of the pamphlet laws. The words "Superintendent of Documents" should be substituted for the word "him" in the fourth line of the section, inasmuch as the word "him" refers to the Secretary of State.

Section 5872: The first sentence of this section is contained in section 1414 in the chapter on "Evidence" in the judiciary title, where it properly belongs, because it makes competent as evidence pamphlet copies of the statutes.

Section 5884: This section is obsolete. The Government's interest in the Union Pacific Railway ceased in 1897 and the last report was issued in 1898.

Section 5891: The third paragraph of this section and the second paragraph of section 5916 are duplicates.

The second paragraph of section 5916 should be omitted and the first part of the same section carried into section 5891, since it relates to matters which should be included in the Official Register.

Section 5898: While this section contains the provision regulating the size of the bulletins to be issued, it does not contain the provisions which authorize their publication and the number to be printed. That provision is found in the concurrent resolution of April 27, 1900 (31 Stat. 1992).

Section 5905: The provision found in this section is an amendment of the law found in section 5900 and should be carried into that section. Standing as two separate sections, one contradicts the provisions in the other.

Section 5914: This section is dead matter, having been superseded by a later provision, which is set out in section 5836, which increases from 6 to 10 the number of copies of the daily CONGRESSIONAL RECORD to be furnished to the Library of Congress.

Section 5943: This section has been superseded by the provision set out in section 5773.

Section 5969: This section is superseded by the act of May 12, 1910 (36 Stat. 366), which is set out in section 6614 of this bill.

Omitted provision: Section 5 of the act of July 1, 1902 (32 Stat. 631), authorizes the distribution at the beginning of the first session of each Congress to any Senator or Representative who may apply for them a copy of the Revised Statutes and the supplements thereto, one copy of each to be furnished during the term of service of the Member. This provision can not be found in H. R. 12.

INTERSTATE COMMERCE COMMISSION.

The Interstate Commerce Commission in a communication of considerable length, dated February 13 and addressed to the Hon. EDWARD C. LITTLE, and a copy of which was sent to the Committee on Revision of the Laws of the Senate, withdrawing sundry objections made to the bill in a former letter and setting out various other objections to it, state as follows:

We appreciate fully the magnitude and importance of this work. It is this very fact that leads us to refer to these matters. We do not mean to intimate that the code has not been most carefully and critically prepared. In a work of this character it is practically impossible to prevent inaccuracies. In an endeavor to be helpful rather than critical we have attempted to call attention to some matters which it seems to us should be further considered. Many of the doubts that arise can be settled only by Congress or by the courts which in the last analysis means the Supreme Court. The law under which the commission functions has been growing since its original enactment and it has taken many years to determine its application to various combinations of facts or circumstances. If the code is enacted, it may again require many years before the courts will have decided many of the questions which will arise. This would leave all concerned with the application of the laws relating to the commission's work in a state of uncertainty, in many instances, pending these court decisions. It is also conceivable that the construction placed by the courts upon some of the questions that will arise may vary from the intent of Congress. Congress, in the first instance, determines what the law shall be and the effect that it shall have. It would seem preferable in the enactment of the code that Congress rather than the court should resolve these doubts and that steps should be taken to eliminate such doubts as far as it is possible to do so.

Unanimous consent is asked that this communication from the Interstate Commerce Commission be printed in full in the RECORD at the end of these remarks. It is worthy of serious consideration.

The VICE PRESIDENT. Without objection, it is so ordered. (See Appendix 2.)

THE CAPITAL.

TITLE XXI—CHAP. II.

Section 3420: The law from which this section was taken was repealed and superseded by section 10 of the legislative appropriation act of March 1, 1919 (40 Stat. 1269), which appears as section 3462 of this bill.

Section 3435: This section is taken from the act of March 3, 1891 (26 Stat. 868), and does not state the law, as the act from which it is taken was expressly amended by the act of June 21, 1906 (34 Stat. 385), the last sentence of which reads as follows:

And hereafter no such permits shall be granted except upon special application and with the concurrence of all of said commissioners, and, where such extensions are to be placed upon buildings to be erected on land adjoining United States public reservations, the approval of the Secretary of War.

Section 3451: The latter part of this section, which provides that Rock Creek Park shall be under the joint control of the Commissioners of the District and the Chief of Engineers, was repealed by the act of July 1, 1918 (40 Stat. 650), which declares the park to be a part of the park system of the District of Columbia. As a result, this park is now under the exclusive control of the Chief of Engineers (see section 3448), and the Commissioners of the District have no control over the park. The last two sentences of section 3451 are in direct conflict with the law as set forth in section 3448, and they should, therefore, be stricken from the section.

Section 3466, determination of harbor lines: The act carried into this section was repealed by a provision in the river and harbor act of July 25, 1912 (37 Stat. 206), which reads:

The provisions of section 11 of the river and harbor act of March 3, 1899, are hereby made applicable to the Potomac and Anacostia Rivers; and hereafter harbor lines in the District of Columbia, or elsewhere on said rivers, shall be established or modified as therein provided; and all laws or parts of laws inconsistent with this proviso are hereby repealed.

The provisions of section 11 of the river and harbor act of March 3, 1899, which were made applicable to the Potomac and Anacostia Rivers, are found in section 6866 of the bill, in which appears the language from the act of July 25, 1912, above quoted.

The section should be omitted as being dead matter.

TITLE XV.—THE JUDICIARY.

SECTION 988, PARAGRAPH THIRD.

Congress, by the act of October 6, 1917 (40 Stat. 395), attempted to amend paragraph third of this section by the addition of the words "and to claimants the rights and remedies under the workmen's compensation law of any State"; but the Supreme Court, in Knickerbocker Ice Co. *v.* Stewart (253 U. S. 149), held the provision unconstitutional, as being an attempt on the part of Congress to delegate its legislative power.

The words quoted should be omitted from the section as being dead matter.

Section 1209, paragraph third: Congress by the act of October 6, 1917 (40 Stat. 395), attempted to make the same amendment to this paragraph that it did to paragraph third of section 988, but it was likewise held void by the Supreme Court in the case above cited.

The attempted amendment is therefore dead matter and should be omitted from the paragraph.

HEADLINES TO THE SECTIONS.

Some of the headlines to the sections of the code are crude and meaningless. I cite a few:

Section 206. Mileage or neglect of messengers.
Section 1358. Husband or wife competent in bigamy.
Section 1847. Appointment to above colonel; vacancy.
Section 1970. Superior punished if detached six years.
Section 2573. Disability by otherwise than in service.
Section 2933. Exchange of machines and things.
Section 4009. Sanitary bonds of municipal corporations.
Section 4044. United States laws apply except on internal-revenue receipts.
Section 4095. Harbors and navigable waters transferred.
Section 6838. Construction of bridges or dams over navigable waters.
Section 7250. Killing female or seal less than 1 year old.
Section 8204. The Lighthouse Establishment things.
Section 9693. Neat cattle and hides prohibited; penalty.

CITATIONS.

The citations are frequently inaccurate and incomplete.

I have many other letters which I should like to have placed in the RECORD, but I shall not now ask to have that done. I simply desire to say in conclusion that no attempt has been made to set out more than a part of the defects in this bill, consisting of errors of omission and commission. A number of the titles have not been touched or commented upon in any way.

To read this bill as one would a novel, as I said a moment ago, would require some three hours a day for two months.

A critical and complete examination of the entire compilation, with its 10,747 sections, would require the continued labor for many, many months of an able and experienced lawyer and a force of assistants familiar with this character of work. It can not be performed by novices.

It would have been a far pleasanter task to report this bill favorably than to point out its defects. Such course would have saved many weeks of hard work.

Its passage is not favored, solely because the bill in its present form is fatally defective, and, in my judgment, it can not be cured by amendment.

APPENDIX 1.

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
September 23, 1921.

Senator R. P. ERNST,
United States Senate.

DEAR SIR: Inasmuch as the bill referred to in the inclosed letters from the Governor of Alaska and the attorney general of Alaska is in the hands of your committee, I beg leave to refer the communications to you for your consideration and attention.

Yours very truly, KNUTE NELSON.

TERRITORY OF ALASKA,
OFFICE OF THE GOVERNOR,
Juneau, September 9, 1921.

Hon. KNUTE NELSON,
Chairman Judiciary Committee,
United States Senate, Washington.

MY DEAR SENATOR NELSON: I am transmitting to you herewith a letter received by me from the attorney general of Alaska in which he calls my attention to House bill No. 12, now pending in the Senate and evidently in your committee, to codify, revise, and reenact the general and permanent laws of the United States, and which he believes in its Alaska provisions may produce complications in this Territory.

I am submitting his letter for your information and such consideration and action as you may think necessary.

With very good wishes, I am,
Sincerely yours, SCOTT C. BONE, *Governor.*

TERRITORY OF ALASKA,
OFFICE OF ATTORNEY GENERAL,
Juneau, Alaska, September 2, 1921.

Hon. SCOTT C. BONE,
Governor of Alaska, Juneau, Alaska.

MY DEAR GOVERNOR: Permit me to call your attention to House bill No. 12, entitled "A bill to consolidate, codify, revise, and reenact the general and permanent laws of the United States in force March 4, 1919."

This bill passed the House of Representatives May 16, 1921, and is presumably at the present time pending before the Senate.

As the title indicates, this is a bill not only to compile, but to revise and reenact the general and permanent laws of the United States in force March 4, 1919, and as such it purports to compile, revise, and reenact the Federal laws applicable to Alaska.

Under the circumstances, I have hastily examined the Alaska provisions and find that if this bill becomes a law it is likely to cause many complications in this Territory; section 3823 contains the provisions relative to the distribution of the Alaska fund, but I find that it omits the first part of section 7 of the act of February 6, 1909, entitled "An act relating to the affairs of the Territories" (35 Stat. L. 601). This is the provision which authorizes the 5 per cent of the Alaska fund formerly devoted to the care of the insane to be diverted to the use of schools, thereby increasing the school appropriation from 25 to 30 per cent. The new section authorizes only 25 per cent to be used for schools.

Sections 3832 and 3833 contain the old provisions in regard to the establishment of school districts in and outside of incorporated towns, respectively. I have formerly suggested that these sections be repealed. But there is another enactment of importance which has been omitted, so far as I can find, and that is the act of March 3, 1917 (39 Stat. 1131), entitled "An act to authorize the Legislature of Alaska to establish and maintain schools, and for other purposes" (39 Stat. L., ch. 167). Unless this last act is embodied in the new revision of the Federal States it is likely that the Legislature of Alaska will have no authority over schools.

Some of the penal laws applicable to Alaska are embodied in the new codification, but I do not find that the penal code of 1899 is included. What effect this will have I am not at present prepared to state.

I also find that a portion of the act of June 6, 1900, is embodied in the new compilation, but not all of it. I find by section 10742 of the proposed new codification it is provided:

"All acts of Congress passed prior to the 4th day of March, 1919, any portion of which is embraced in any section of this code are hereby repealed, and the sections herein applicable thereto shall be in force in lieu thereof; all parts of such acts not contained in this codification having been repealed or superseded by subsequent acts or not being general and permanent in their nature."

There is serious question under this provision whether or not a large part of our civil code, as well as our code of procedure, may be repealed by the bill here in question. This, of course, was not the intent. The act of June 6, 1900, entitled "An act making further provisions for civil government for Alaska, and for other purposes," contains both a political code, civil practice codes, and the civil code in one enactment. Only the political code is amended in the new compilation, but inasmuch as this political code is a part only of a larger act the question is whether or not the other part not included in the codification is repealed by the new enactment.

I also observe that amendments and modification of the civil code of the Territory enacted subsequent to 1900 are incorporated into the above-named compilation.

Personally I feel that the political code of Alaska should be rewritten, and inasmuch as the legislature of the Territory has made several amendments to the remainder, the latter should not be at the present time touched by Congress, as serious complications would thus arise.

The new compilation, for instance, contains the old provisions of 1900 concerning notaries public. These provisions have been to some extent amended by the local legislature. If this reenactment takes place, will the amendment of the local legislature still remain in force? I doubt it.

The compilation contains the provision regarding recording of instruments enacted in 1900. This has also been to some extent amended by the local legislature.

Section 3796 contains the old provision legalizing certain acts of the governor in appointing notaries prior to June 6, 1900 (31 Stat. 321, 2 Supp. 1194). This reenactment would have the effect of legalizing any unauthorized act done by the governor prior hereto touching the same subject.

Section 3796 also contains a provision making it the duty of the governor to "from time to time inquire into the operation of any person, company, association, or corporation authorized by the United States, by contract or otherwise, to kill seal or other fur-bearing animals in the Territory, and any and all violations by such person, company, association, or corporation of the agreement with the United States under which the operations are being conducted, and shall annually report to Congress result of such inquiries."

This, of course, is antiquated, but a reenactment at this time might impose upon the governor duties which it was not the intention to require him to perform.

These are a few of the objections to the new compilation which occur to me at the present time after, as I have stated, a cursory examination of the subject. If Alaska could be left out of the new code it would give me considerable pleasure to assist in compiling and revising the Federal enactments of a permanent nature touching this Territory. I am satisfied that such task must be undertaken in the near future. At any rate, an effort should be made to have some changes made in the compilation in question before it becomes a law.

Yours truly,

JOHN RUSTGARD, *Attorney General.*

APPENDIX 2.

INTERSTATE COMMERCE COMMISSION,
Washington, February 13, 1923.

Hon. RICHARD P. ERNST,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I herewith beg leave to inclose a copy of a letter I have this day sent to Hon. EDWARD C. LITTLE.

Yours very truly,

JOHN J. ESCH, *Commissioner.*

INTERSTATE COMMERCE COMMISSION,
Washington, February 13, 1923.

Hon. EDWARD C. LITTLE,
Chairman Committee on Revision of Laws,
House of Representatives, Washington, D. C.

MY DEAR LITTLE: I have your recent letters commenting on former Chairman CLARK'S letter of February 26, 1921, to Senator Wolcott, with respect to H. R. 9389, Sixty-sixth Congress.

The explanatory statements made in that letter were probably not as explicit as they might have been, and thus have led to a misapprehension of the purpose of that letter. I take the liberty of quoting from it as follows:

"Some examination has been made of this bill, but it has been impossible to make that careful examination and criticism which its great importance demands. At this time I can only point out certain apparent errors and omissions which seem important and should be considered."

Upon reflection you will probably agree that we did not intend to suggest that the matters omitted should be included in the code. These omissions were merely matters which the hasty examination we were obliged to make of the code in the time available brought to light. We realized, of course, that the importance of the work demanded a most careful examination, and it was with the thought in mind that the effect of these omissions should not be overlooked rather than that the parts omitted should be included in the code that we directed attention to them. It seems only fair to all concerned that this explanation be made.

Before proceeding to a consideration of the effect of these omissions, permit me to refer to your comments with respect to the use of the commission's pamphlet prints of the law. We appreciate, of course, that these pamphlets are not authoritative texts of the law and, in fact, they are not intended to be. They do, however, contain the various acts under which the commission functions, and there was less possibility of failing to consider some one of these acts in the check made of H. R. 9389 through use of the pamphlet print than through use of the Statutes at Large. Our pamphlet prints contain appropriate references to the Statutes at Large. In the preparation of this letter we have not relied upon our print but have consulted the texts of the various acts as contained in the Statutes at Large which cover the points discussed.

It is necessary to refer frequently in this letter to various acts, and as it is easier to associate various acts by their usual designation instead of the correct citation, we are using the former. For convenience these designations, together with the correct citations, are listed below:

Cullom Act, or act to regulate commerce, approved February 4, 1887. (24 Stat. L. 379.)
Elkins Act, approved February 19, 1903. (32 Stat. L. 847.)
Hepburn Act, approved June 29, 1906. (34 Stat. L. 584.)
Mann-Elkins Act, approved June 18, 1910. (36 Stat. L. 539.)
Panama Canal act, approved August 24, 1912. (37 Stat. L. 560.)
Standard time act, approved March 19, 1918. (40 Stat. L. 450.)
Transportation act, 1920, approved February 28, 1920. (41 Stat. L. 456.)

You will note from our letter of November 22, 1922, to Senator ERNST, copy of which you have, that our letter of February 26, 1921, relating to H. R. 9389, is equally applicable to H. R. 12. For convenience, H. R. 12 is hereinafter referred to as the code.

In taking up the various paragraphs contained in our letter of February 26, 1921, we will consider them in the order in which they there appear. We do not mean to imply that our position with respect to these various omissions is indisputable, but it does seem to us that the very fact that it may be disputable should lead the committee to exercise extreme care in omitting these portions of the act to regulate commerce as amended.

I.

ACT TO REGULATE COMMERCE.

1. The eleventh and twelfth paragraphs in section 1, appearing on pages 10, 11, and 12 of the June, 1918, print, are omitted. These are contained in the act approved August 19, 1917 (40 Stat. L. 272). We withdraw these from further consideration. (See note A.)

2. The words "after January first, nineteen hundred and seven," appearing in the fifteenth paragraph of section 1 on page 13 of the June, 1918, print, are omitted. These are contained in section 1 of the Hepburn Act. They are withdrawn from further consideration. (See note B.)

3. The sixteenth paragraph in section 1, appearing on page 14 of the June, 1918, print, is omitted. This is contained in the act of February 17, 1917 (39 Stat. L. 922), relating to free transportation to the trustees of the Cincinnati Southern Railway. It is withdrawn from further consideration. (See note C.)

4. The words "From and after May first, nineteen hundred and eight," appearing in the seventeenth paragraph in section 1, on page 14 of the June, 1918, print, are omitted. These are contained in section 1 of the Hepburn Act. They are withdrawn from further consideration. (See note D.)

5. The second proviso in section 4, appearing on page 16 of the June, 1918, print, is omitted. This proviso, which reads "*Provided further*, That no rates or charges lawfully existing at the time of the passage of this amendatory act shall be required to be changed by reason of the provisions of this section prior to the expiration of six months after the passage of this act, nor in any case where application shall have been filed before the commission, in accordance with the provisions of this section, until a determination of such application by the commission," was added to section 4 of the act to regulate commerce, as amended, by section 8 of the Mann-Elkins Act, which amended that section "to read as follows." This proviso in a modified form is contained in the transportation act, 1920. Under the code it will be repealed as of March 4, 1919. Section 10743 of the code would probably cover any situation arising prior to that date, but we do not understand that it would cover the gap from March 4, 1919, to February 28, 1920, during which period the proviso would not have been effective. It would seem that very careful consideration should be given to the omission of this proviso from the code.

6. The words "From and after the first day of July, nineteen hundred and fourteen," appearing in the second paragraph in section 5 of the act, on page 17 of the June, 1918, print, are omitted. These words are contained in section 11 of the Panama Canal act, which amends section 5 of the act to regulate commerce, as amended, by adding this paragraph. They are withdrawn from further consideration.

7. The fourth paragraph of section 5, appearing on page 18 of the June, 1918, print is omitted. This is contained in section 11 of the

Panama Canal act. Under this paragraph the commission is authorized to permit the continuance of water-line operations by railroads under certain conditions. There seems to be no reason for omitting this paragraph from the code.

8. The following sentence appearing in the third paragraph in section 12, on pages 29 and 30 of the June, 1918, print, is omitted:

"The claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying; but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding."

This is contained in section 12 of the act to regulate commerce. It is withdrawn from further consideration. (See note E.)

9. The following proviso appearing in the second paragraph in section 15, on page 34 of the June, 1918, print, is omitted:

"*Provided further*, That until January 1, 1920, no increased rate, fare, charge, or classification shall be filed except after approval thereof has been secured from the commission. Such approval may, in the discretion of the commission, be given without formal hearing and in such case shall not affect any subsequent proceeding relative to such rate, fare, charge, or classification."

It was added to this paragraph by section 4 of the act approved August 9, 1917 (40 Stat. L. 270). This law, which is general, was in effect on March 4, 1919, and continued in effect for nine months after that date.

II.

OTHER AND RELATED ACTS.

1. That part of the Army appropriation act approved August 29, 1916 (39 Stat. L. 556, 646), relating to transportation at reduced rates of members of the National Guard traveling to and from joint encampments with the Regular Army, appearing in the first four lines of page 55 of the June, 1918, print, is omitted.

Paragraph No. 9, under this heading, relates to the omission from the code of the following, which is contained in the same act on page 645:

"The President, in time of war, is empowered, through the Secretary of War, to take possession and assume control of any system or systems of transportation, or any part thereof, and to utilize the same, to the exclusion as far as may be necessary of all other traffic thereon, for the transfer or transportation of troops, war material, and equipment, or for such other purposes connected with the emergency as may be needful or desirable."

In connection with the former, you say: "In the first place, it is from an appropriation act, which, of course, is not general and has no place in the book," and, in connection with the latter, that it "is a purely temporary law, and is only in effect in time of war."

Section 10742 of the code reads, in part: "That the incorporation in this codification of any general and permanent provisions, taken from an act making appropriation * * *." We did not intend to suggest that the appropriation act be included in the code, but that certain portions of it should be included. A consideration of the foregoing quotation from the code would seem to preclude possibility of any doubt as to the inclusion of these provisions if they are "general and permanent in nature." That these provisions are general, and that the one relating to reduced rates for members of the National Guard is permanent, seems beyond question.

Under section 10742 of the code the repeal of all acts passed prior to March 4, 1919, any portion of which is embraced in the code, would not apply to "any appropriation, or any provision of a private, local, or temporary character," contained in an appropriation act some part of which is included in the code. If the provision giving the President power in time of war to take over the transportation systems is "temporary" it would not be affected. But it seems possible that the courts may construe the provision as permanent and thus as having been repealed by the code. It is true, of course, that the provisions of section 10742, under which such construction would come, reading that "all parts of such acts not contained in this codification, * * * not being general and permanent in their nature" might lead the courts to hold that this provision is specifically made "temporary."

Under this provision the authority granted to the President can be exercised only intermittently, but that power could be exercised, provided the provision remained on the statute books, 50 or 100 years from now as effectively as during the last war. Does such a law seem temporary? In all events the possible effect of the omission of this provision from the code should be most carefully considered.

In this connection we suggest that section 7063 of the code which contains the car-service provisions provides: "Whenever the commission shall be of opinion that necessity exists for immediate action with respect to the supply or use of cars" it shall take certain action. Here the commission acts only in time of emergency. Is a law authorizing action in time of emergency any more permanent than one authorizing action "in time of war"?

2. Sections 9, 10, and 11 of the Hepburn Act and the joint resolution approved June 30, 1906 (34 Stat. L., 838), appearing on page 57 of the June, 1918, print, are omitted. Section 9 reads:

"That all existing laws relating to the attendance of witnesses and the production of evidence and the compelling of testimony under the act to regulate commerce and all acts amendatory thereof shall apply to any and all proceedings and hearings under this act."

Section 10 reads:

"That all laws and parts of laws in conflict with the provisions of this act are hereby repealed, but the amendments herein provided for shall not affect causes now pending in courts of the United States, but such causes shall be prosecuted to a conclusion in the manner heretofore provided by law."

Section 11 provided that the Hepburn Act should take effect and be in force from and after its passage and the joint resolution provides that the Hepburn Act should take effect 60 days after approval by the President. The omission of these matters is withdrawn from further consideration. (See note F.)

3. The "district court jurisdiction" act approved October 22, 1913, erroneously referred to as Thirty-fourth Statutes at Large, 219, appearing on pages 58 to 62, inclusive, of the June, 1918, print, is omitted. The reference should have been to Thirty-eighth Statutes at Large, 208, 219. It seems improbable that this has been omitted from the code and the correction in the citation will undoubtedly enable you to determine readily from your working papers whether or not it has been omitted.

4. The following part of the immunity of witnesses act approved June 30, 1906, Thirty-fourth Statutes at Large, 798, appearing on page 64 of the June, 1918, print, is omitted:

"That under the immunity provisions in the act entitled 'An act in relation to testimony before the Interstate Commerce Commission,' etc., approved February 11, 1893, in section 6 of the act entitled 'An act to establish the Department of Commerce and Labor' approved February 14, 1903, and in the act entitled 'An act to further regulate commerce with foreign nations and among the States,' approved February 19, 1903, and in the act entitled 'An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes,' approved February 25, 1903."

The acts described are—

"Compulsory testimony act, Twenty-seventh Statutes at Large, 443; act to establish Department of Commerce and Labor, Thirty-second Statutes at Large, 825; Elkins Act, Thirty-second Statutes at Large, 847; legislative, executive, and judicial appropriation act, Thirty-second Statutes at Large, 854."

The compulsory testimony act provided that no person shall be excused from testifying, etc., in any proceeding "based upon or growing out of any alleged violation of the act of Congress entitled 'An act to regulate commerce,' approved February 4, 1887, or of any amendment thereof * * *."

The immunity provisions of the compulsory testimony act are contained in section 7034 of the code; those of the Elkins Act in section 7066.

Section 7034 of the code includes the unomitted portion of the immunity of witnesses act. As there stated, it reads: "Under the immunity provisions of this section * * *."

The Elkins Act is not an amendment of the act to regulate commerce as amended. Section 7066 does not contain that portion of the immunity of witnesses act which is contained in section 7034, although under the immunity of witnesses act it is applicable to the Elkins Act as well as to the compulsory testimony act. The omission thus has the effect of narrowing the immunity of witnesses act. It is not necessary to include the description omitted, as the same result can be accomplished by adding to each section of the code covering the immunity provisions in the four acts described the provision which restricts the immunity provisions of those four acts to natural persons.

We have not checked to ascertain whether the immunity provisions contained in the act to establish the Department of Commerce and Labor, and in the legislative, executive, and judicial appropriation act are contained in the code, but it would seem that correction of at least section 7066 of the code in this respect is necessary.

5. Sections 4 and 5 of the Elkins Act, appearing on pages 68 and 69 of the June, 1918, print, are omitted. These are withdrawn from further consideration. (See note F (b) and (c).)

6. Joint resolutions (39 Stat. L. 674; 39 Stat. L. 1201; 40 Stat. L. 431) extending the effective date of section 10 of the Clayton Act, appearing on page 82 of the June, 1918, print, are omitted. These omissions are withdrawn from further consideration.

7. Section 17 of an act to incorporate the Lake Erie & Ohio River Ship Canal Co., approved June 30, 1906 (34 Stat. L. 809), appearing on pages 97 and 98 of the June, 1918, print, is omitted. This omission is withdrawn from further consideration.

8. Section 5 of the standard time act, approved March 19, 1918 (40 Stat. L. 450), appearing on page 105 of the June, 1918, print, is omitted. This omission is withdrawn from further consideration. (See note F (b).)

9. This was considered in connection with paragraph No. 1 under this heading.

10. The Federal control act, approved March 21, 1918 (40 Stat. L. 451), as amended by the act approved March 2, 1919 (40 Stat. L. 1290), appearing on pages 106–117 of the June, 1918, print, is omitted.

We note your statement that the matter in Fortieth Statutes at Large, 1290, is contained in section 6918 of the code. That section contains section 8 of Fortieth Statutes at Large, 1290, while the matter referred to by our letter of February 26, 1921, is the amendment of the Federal control act, contained in section 7 of Fortieth Statutes at Large, 1290.

The omission of the Federal control act and the amendment are withdrawn from further consideration. (See note G.)

11. The first paragraph of section 6 of the safety appliance act, approved April 14, 1910 (36 Stat. L. 298), appearing on page 125 of the June, 1918, print, is said to be omitted.

We note your statement that this is contained in section 7407 of the code.

We desire to call attention to another point in this connection which examination of section 7407 has disclosed. The first paragraph of section 6 of the safety appliance act approved April 14, 1910, provides that it shall be the duty of the Interstate Commerce Commission to enforce the provisions "of this act." The various sections "of this act" are contained in sections 7407, 7418, 7419, 7420, 7425, and 7426 of the code. Section 7407 in restating this provision refers to "this act" as "chapter 160, Thirty-sixth Statutes at Large, page 298, sections 7416, 7418, 7419, 7420, 7425, and 7426 of the Code of Laws of the United States." Section 7416 contains section 5 of the safety appliance act of March 2, 1893 (27 Stat. L. 531). Section 7407 thus appears to be in error in so far as it includes reference to section 7416.

12. Sections 6 and 8 of the accidents reports act approved May 6, 1910 (36 Stat. L. 350), appearing on pages 127 and 128 of the June, 1918, print, are omitted. These omissions are withdrawn from further consideration. (See Note F (b) and (c).)

13. Section 5 of the hours of service act approved March 4, 1907 (34 Stat. L. 1415), appearing on page 132 of the June, 1918, print, is omitted. This omission is withdrawn from further consideration. (See Note F (c).)

On pages 7 and 8 of our letter of February 26, 1921, certain omissions from sections 7067 (see Note F (c)), 7064 (see Note H), 7110 (see Note I), 7111 (what is said under Note I is applicable here), 7129 (see Note F (c)), 7130 (see Note F (c)), 7018 (see Note F (c)), 6518 (see Note J), 6686, 7412 (see Note F (c)), 7414 (see Note F (c)), 7415 (see Note F (c)), 7409 (see Note F (c)), 7418 (see Note F (c)), 7419 (see Note F (c)), 7484 (see Note K), 7421 (see Note F (c)), 7423 (see Note F (c)), 7435 (see Note F (c)) of the code are listed. These omissions are withdrawn from further consideration.

There is one point in connection with section 6686 to which we desire to call attention. The words omitted, which are contained in section 5 of the act approved July 28, 1916 (36 Stat. L. 412, 429), are in italics in the following quotation from that section:

"The procedure for the ascertainment of said rates and compensation shall be as follows:

"'*Within three months from and after the approval of this act, or as soon thereafter as may be practicable*, the Postmaster General shall file with the commission a statement showing the transportation re-

quired of all railway common carriers, including the number, equipment, size, and construction of the cars necessary for the transaction of the business; the character and speed of the trains which are to carry the various kinds of mail; the service, both terminal and en route, which the carriers are to render; and all other information which may be material to the inquiry, but such other information may be filed at any time in the discretion of the commission.'"

The words at the end of the quotation, "but such other information may be filed at any time in the discretion of the commission," are retained in section 6686 of the code. With the omission of the words underscored they do not seem to have a definite meaning.

We note that our reference to section 7033 on page 9 of the letter of February 26, 1921, was in error and that the correction in section 7360 has been made. We also note that the duplication between sections 7057 and 7077 of H. R. 9389 has been corrected in H. R. 12.

We have covered the point raised on that page with respect to section 7076 more fully in this letter.

This concludes the consideration of the various points indicated in our letter of February 26, 1921. The examination of the statutes and of the code in connection with the preparation of our comments above has disclosed several other matters to which it seems desirable to direct attention.

The code is entitled "An act to consolidate, codify, revise, and reenact the general and permanent laws of the United States in force March 4, 1919." The effect of the word "revise" on some of the changes in the wording of the statutes made by the code may be more far-reaching than is at present apparent.

For instance, section 7064 of the code restates section 1 of the Elkins Act, as amended. The first sentence of section 7064 reads as follows:

"Anything done or omitted to be done by a corporation common carrier subject to chapter 104, Twenty-fourth Statutes at Large, page 379, this chapter, and the acts amendatory thereof, which, if done or omitted to be done by any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation, would constitute a misdemeanor under this chapter or under the act of February 19, 1903, shall also be held to be a misdemeanor committed by such corporation, and upon conviction thereof it shall be subject to like penalties as are prescribed in this chapter or by the act of February 19, 1903, with reference to such persons, except as such penalties are herein changed."

The "act of February 19, 1903," to which reference is made, is, of course, the Elkins Act. But the Elkins Act was not the only act approved on February 19, 1903. As this is a penal provision it would not be liberally construed, and it is conceivable that the courts might hold that indictments charging violations of section 7064 of the "Code of the Laws of the United States" were insufficient as not showing specifically what act of February 19, 1903, was violated. As shown by the quotation above, the act of February 19, 1903, can not accurately be said to be the act covered by section 7064. The section specifically says that anything done by a corporation common carrier which, if done by any officer thereof, would constitute a misdemeanor under "this chapter or under the act of Feburary 19, 1903," shall be held to be a misdemeanor committed by such corporation. "This chapter" is, of course, Chapter I, title 41, of the code, and includes the Elkins Act, which under the code would be repealed. There would thus seem to be reasonable grounds for doubt as to the meaning of the "act of February 19, 1903." The Elkins Act also provided that the penalties prescribed in the act to regulate commerce, as amended, or in "this act," should apply "except as such penalties are herein changed." Section 7064 uses the word "herein" and thus would seem to mean the code.

The above quotation refers also to a "corporation common carrier subject to chapter 104, Twenty-fourth Statutes at Large, page 379, this chapter." Two interpretations of this seem possible.

First, that "chapter 104, Twenty-fourth Statutes at Large, page 379" and "this chapter" are synonymous. "This chapter," undoubtedly means Chapter I, title 41, of the code, and is thus broader than "chapter 104, Twenty-fourth Statutes at Large, page 379," as it includes other acts.

Second, that "this chapter" as here used merely means that "chapter 104, Twenty-fourth Statutes at Lage, page 379" is included. That, of course, is true, but this would have the effect of restricting the application of some of the sections of chapter 1, title 41, of the code to carriers subject to the provisions of "chapter 104, Twenty-fourth Statutes at Large, page 379."

For example, section 7042 of the code reads:

"The commission shall, as hereinafter provided, investigate, ascertain, and report the value of all the property owned or used by every common carrier subject to the provisions of chapter 104, Twenty-fourth Statutes at Large, page 379, this chapter."

The valuation act, chapter 92, Thirty-seventh Statutes at Large, page 701, approved March 1, 1913, amends the act to regulate commerce, as amended, by adding section 19a, which provides for the valuation of the property of common carriers subject to the provisions of "this act." "This act" as there used means the act to regulate commerce, as amended, and included the common carriers which by various amendments to the act to regulate commerce were made subject to the provisions of that act as amended. Section 7042 of the code apparently restricts valuation to common carriers subject to the act to regulate commerce and would thus narrow the valuation act.

Other sections also contain reference to "chapter 104, Twenty-fourth Statutes at Large, page 379, this chapter."

We note that you consider our letter of February 26, 1921, as suggesting that the transportation act, 1920, be included in the code. We did not have or intend to convey that thought, and regret that our letter should have been so construed. The reference to our April, 1920, print of the interstate commerce act, which included the transportation act, 1920, was intended merely to serve as a convenient means of ascertaining the then existing law for such consideration of its effect upon the code as might seem warranted. Perhaps we may be permitted now to indicate some of the doubts that arise as to the relation of the code to the transportation act, 1920.

Section 10747 of the code provides that acts passed since March 4, 1919, are to have full effect as if passed after the enactment of the code, and so far as such subsequent acts vary from or conflict with any provisions of the code they shall have the effect of repealing any portion of the code inconsistent therewith. Under section 10742 of the code the act to regulate commerce, and various acts amending that act any portion of which is embraced in the code, will be repealed, and the applicable sections of the code will be in force in lieu thereof. This will mean that the amendments made by the transportation act, 1920, to various sections of the act to regulate commerce, as amended, can not be applied to those sections, but if they are to have effect must be applied to the corresponding sections of the code.

The only means of determining the corresponding sections of the code is by a comparison of the code with the act to regulate commerce and the various amendatory acts. That can be done with the aid of an adequate index. The courts may hold that under the provisions of the code the amendments made by the transportation act, 1920, to the act to regulate commerce, as amended, will apply as amendments to the corresponding sections of the code. But many difficulties will be encountered in the application to the code of these amendments.

Section 5 of the act to regulate commerce, as amended, affords an excellent illustration of some of these difficulties. The first paragraph of this section was enacted in the act to regulate commerce. Section 11 of the Panama Canal act specifically amended section 5 of the act to regulate commerce, as amended, by adding a new paragraph. These two paragraphs are contained in section 7077 of the code. Section 11 of the Panama Canal act also contains other paragraphs under which the commission functions. The first of these additional paragraphs is contained in section 7058 of the code; the second, as indicated in paragraph No. 7 under "I. An act to regulate commerce" above, has not been found in the code; and the third is contained in section 7138. Section 408 of the transportation act, 1920, provides that the first and second additional paragraphs of section 11 of the Panama Canal act "are hereby made a part of section 5 of the interstate commerce act."

If it can be said that under the provisions of the code the amendments to the act to regulate commerce, as amended, made by the transportation act, 1920, are applicable to the corresponding sections of the code, in what manner will section 408 of the transportation act, 1920, apply? Will section 7058 of the code be repealed and the matter there appearing be made a part of section 7077, or will no change in the code in this respect be made? Will the second additional paragraph of section 11 of the Panama Canal act, which if it is not contained in the code is repealed, be revived and made a part of section 7077? It may be, of course, that the second additional paragraph of section 11 of the Panama Canal act is contained in the code, but we have been unable, because of lack of an index, to locate it. In that event the same questions would arise as in connection with section 7058. If, on the other hand, it has been omitted from the code the question as to revival is pertinent and leads to further queries. If it can be said that no change with respect to section 7058 of the code will result, will the second additional paragraph of section 11 of the Panama Canal act be made a part of section 7058 or of section 7077, which corresponds to section 5 of the act to regulate commerce as amended? If no change is made with respect to section 7058 and the second additional paragraph of section 11 of the Panama Canal act is made a part of section 7077, would section 408 of the transportation act, 1920, be given "full effect"? These questions may seem unimportant, but they are at least indicative of the doubts that arise in connection with the application under the provisions of the code of the transportation act, 1920, to the code. Who shall resolve these doubts?

We have never suggested and do not suggest now that the transportation act, 1920, or any other law passed subsequent to March 4, 1919, should be included in the code, but surely the code should not be enacted until the effect of its enactment upon such subsequent laws has been fully considered and effective provision made to eliminate all possibility of confusion as to what is the law under which various rights would accrue, liabilities be incurred, and causes of action arise.

We also note one correction which should be made in section 7078. That section corresponds to section 9 of the act to regulate commerce, as amended. It provides that any person claiming to be damaged by any common carrier may make complaint to the commission as "hereinafter" provided. Section 13 of the act to regulate commerce, as amended, which contained the provisions with respect to the filing of complaints with the commission will become section 7035 of the code, and thus "hereinafter" is incorrectly used in section 7078 of the code.

We appreciate fully the magnitude and importance of this work. It is this very fact that leads us to refer to these matters. We do not mean to intimate that the code has not been most carefully and critically prepared. In a work of this character it is practically impossible to prevent inaccuracies. In an endeavor to be helpful, rather than critical, we have attempted to call attention to some matters which it seems to us should be further considered. Many of the doubts that arise can be settled only by Congress or by the courts, which in the last analysis means the Supreme Court. The law under which the commission functions has been growing since its original enactment and it has taken many years to determine its application to various combinations of facts or circumstances. If the code is enacted, it may again require many years before the courts will have decided many of the questions which will arise. This would leave all concerned with the application of the laws relating to the commission's work in a state of uncertainty, in many instances, pending these court decisions. It is also conceivable that the construction placed by the courts upon some of the questions that will arise may vary from the intent of Congress. Congress, in the first instance, determines what the law shall be and the effect that it shall have. It would seem preferable in the enactment of the code that Congress rather than the courts, should resolve these doubts and that steps should be taken to eliminate such doubts as far as it is possible to do so.

As Senator ERNST has heretofore written us with respect to H. R. 12, and as we have furnished him with a copy of our letter of February 26, 1921, to Senator Wolcott with regard to H. R. 9389, we are sending him a copy of this letter. We are also sending copies to Hon. R. WALTON MOORE and Hon. JOHN R. TYSON.

We have taken the time from our other duties to contribute this much, at least, toward the work which you have in hand. We have not made an exhaustive examination. The time available and the state of our appropriation would not permit, particularly without the aid of any index to the code. The importance and scope of the duties with which we are charged will explain our desire to aid the committee in making this code as accurate and free from possible misconstruction as may be possible in a work of this nature.

Respectfully submitted on behalf of the commission's legislative committee.

JOHN J. ESCH, *Chairman.*

NOTES.

A.

Fortieth Statutes at Large, 272, amends section 1 of the act to regulate commerce, as amended, "by adding thereto the following." "The following" is the text of these paragraphs which relate to penalties for obstructing interstate commerce and to priority in transportation "during the war in which the United States is now engaged." This,

of course, is a "temporary" law, and although the paragraphs form a part of section 1 they will not be repealed by the code, inasmuch as no part of this act is contained in the code.

B.

These words are contained in the paragraph prohibiting, with certain exceptions, the issuance of passes, etc., and constitute an "effective date."

C.

Although this is shown by the June, 1918, print as a part of section 1 of the act, it is not part of section 1, and as it is not a "general" law, it should not be included in the code.

D.

These words establish the effective date of the commodities clause.

E.

The provisions of the compulsory testimony act (27 Stat. L. 443) would seem to cover the portion omitted from section 7033 and are contained in section 7034 of the code.

F.

(a) Section 9: The laws relating to the attendance of witnesses, etc., existing at the time the Hepburn Act was passed, are probably contained in the code. We do not now perceive the consequences that may attach to the omission of this section from the code.

(b) Section 10 repeals conflicting laws. Under section 10742 of H. R. 12 the Hepburn Act will be repealed. Will the repeal of this omitted repealing section revive prior conflicting laws? Section 4, chapter 1, title 1, rules and terms, reads:

"Effect of repeal: Whenever an act is repealed which repealed a former act such former act shall not thereby be revived, unless it shall be expressly so provided. The repeal of any statute shall not have the effect to release or extinguish any penalty, forfeiture, or liability incurred under such statute, unless the repealing act shall so expressly provide, and such statute shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability."

This is a restatement of Sixteenth Statutes at Large, 431, approved February 25, 1871. Under this the repeal of the omitted repealing sections would not revive prior conflicting laws.

(c) Section 11 and the joint resolution: Under the code section 11, establishing the effective date, will be repealed, and the other sections of the Hepburn Act included in the code are "reenacted" and "shall be in force in lieu thereof." It is possible that those sections may thus be held to become effective as of March 4, 1919, but it would seem that section 10743 of the code is sufficient to cover any situation that may arise by reason of this change.

G.

Section 16 of the Federal control act specifically provides that "this act is expressly declared to be emergency legislation." Its operation is limited to the period of Federal control. It will not be repealed by H. R. 12.

H.

This is the provision of the Elkins Act making the published rate the legal rate and any departure from such rate an offense "under this section of *this act*." The words in italics are omitted. Section 7064 of the code contains the words "under this section." There seems to be no reason for including the words "of this act."

I.

The omitted part was added to section 1 of the expediting act (32 Stat. L. 823) by the amendment of that section made by Thirty-sixth Statutes at Large, page 854. Under the code the part omitted will be repealed. The amendment was approved June 25, 1910. It seems improbable, especially as this is the expediting act, that any proceeding pending on that date would now be pending. Even if such situation did exist, it is possible that it would be covered by section 10743 of the code.

J.

The words omitted are contained in section 8 of the appropriation act approved August 24, 1912 (37 Stat. L. 539, 558). This was restated in section 6 of the appropriation act approved July 28, 1916 (39 Stat. L. 412, 431), which does not contain the words said to be omitted. Section 6 of Thirty-ninth Statutes at Large, page 412, is contained in section 6518 of the code.

K.

The words omitted are contained in section 2 of Thirty-ninth Statutes at Large, page 61, section 1 of which amends section 3 of Thirty-fourth Statutes at Large, page 1415, "to read as follows." As shown in the commission's print of June, 1918, they form a part of section 3 of the latter act, but, of course, they are not, although they do preserve the status quo of matters arising under section 3 before it was amended. Section 10743 of the code would seem to cover the same situations, even though the omitted words would be repealed by section 10742.

APPENDIX 3.

WAR DEPARTMENT,
OFFICE OF THE JUDGE ADVOCATE GENERAL,
Washington.

(Memorandum for Senator RICHARD P. ERNST.)

Subject: Chapter 4 of title 25 of "The Code of Laws of the United States."

I have been asked to comment upon the question whether or not any or all of the provisions of chapter 4 of title 25 of "The Code of Laws of the United States," hereinafter referred to as the new code, have been superseded or rendered obsolete by other legislation.

The new code is entitled "An act to consolidate, codify, revise, and reenact the general and permanent laws of the United States in force March 4, 1919." Section 10742 thereof provides that—

"All acts of Congress passed prior to the 4th day of March, 1919, any portion of which is embraced in any section of this code, are hereby repealed and the sections herein applicable thereto shall be in force in lieu thereof; all parts of such acts not contained in this codification, having been repealed or superseded by subsequent acts or not being general and permanent in their nature: * * *."

BRIEF SKETCH OF THE ORIGIN AND HISTORY OF OUR TERRITORIAL GOVERNMENTS.

The development of the United States began with the original thirteen Colonies. The territory outside came to be considered later. Although the charter limits of the different Colonies conflicted, the western boundary of the new country was limited to the Mississippi River by the treaty of peace with Great Britain in 1782. The claims of the Colonies to the western lands was ceded to the Confederation, thereby transferring to the confederate management the territory northwest of the Ohio River, which territory was included in the treaty with Great Britain. The first important act with regard to this territory was passed by the Confederate Congress on July 13, 1784, and is entitled "An ordinance for the government of the territory of the United States northwest of the Ohio River." There were, after the adoption of the Constitution, cessions to the United States of territory south of the Ohio. Kentucky was admitted in 1792 as the first new State, it having been a district of Virginia and not having had any Territorial government. Next came Ohio in 1802, the remaining northwest territory being called Indiana Territory, from which was cut off Illinois and Michigan Territories (2 Stat. 58, 173, 201, 428, 514; 3 Stat. 289, 399, 538).

Tennessee was ceded to the United States in 1789 and accepted by the act of April 2, 1790 (1 Stat. 106), followed by the act of May 26, 1790, creating a government for this "territory of the United States south of the Ohio River" (1 Stat. 123). The land between Tennessee and the line of 31° claimed by Georgia and South Carolina, was ceded to the United States and organized into Mississippi Territory April 7, 1798 (1 Stat. 549). Out of this were subsequently created in 1817 the State of Mississippi and the Territory of Alabama, and later in 1819 the State of Alabama. These different cessions were within the original limits of the United States, as defined by the treaty of Great Britain closing the Revolutionary War.

On April 30, 1803, the President approved the treaty with Napoleon by which Louisiana—that is to say, all the vast territory west of the Mississippi—was ceded to the United States (8 Stat. 200). This marked what is sometimes called the beginning of foreign acquisition by the United States. The Territory of Orleans was created by the act of March 26, 1804 (2 Stat. 283). Louisiana became a State in 1812 (2 Stat. 642). The northern or St. Louis part of the Louisiana purchase was by the same act of 1804 made a separate Territory, called the District of Louisiana, but at first administered with Indiana Territory. The District of Louisiana was made a separate Territory under the name of Missouri on June 4, 1812 (2 Stat. 743). Missouri became a State in 1829 (3 Stat. 645).

The Florida purchase was accomplished by treaty with Spain February 22, 1819 (8 Stat. 255). By acts of March 3, 1819 (3 Stat. 523), and March 3, 1821 (3 Stat. 637), provision was made for a temporary government of the Florida territories under the direction of the President. The real organization of the Territory of Florida was by the act of March 3, 1823 (3 Stat. 750).

Texas was annexed in March, 1845, and admitted in December, 1845, into the Union as a new State, Texas retaining its public lands. By the treaty of Guadalupe Hidalgo of February 2, 1848, ratified a few months later, there were added California and a new Southwest, increased later by the Gladstone purchase of December 30, 1853. California was admitted as a State on September 9, 1850, without any real previous existence under the Territorial system.

The country west of the Mississippi was from time to time divided into Territories with definite boundaries under special or organic acts of Congress. Thus, a Territorial system grew up which found its place in the Revised Statutes—sections 1839–1895. This system provided for a uniform organization of the Territories, including the benefits flowing from section 1891. All these contiguous Territories were gradually admitted as States.

The first acquisition of noncontiguous territory was Alaska, which was ceded to the United States by Russia by the treaty of March 30, 1867 (15 Stat. 539).

The Hawaiian Islands were acquired by annexation to the United States by joint resolution of Congress of July 7, 1898 (30 Stat. 750).

Porto Rico and the adjacent islands were ceded to the United States by Spain by the treaty of December 10, 1898 (30 Stat. 1745), and the Archipelago known as the Philippine Islands was likewise ceded to the United States by Spain by the treaty of December 10, 1898 (30 Stat. 1754). The other outlying possessions of the United States are of no importance in so far as the questions under consideration are concerned for the reason that the authority of the United States is exercised therein by virtue of special legislation which admittedly applies to no other territory.

CHAPTER IV, TITLE XXV, OF THE NEW CODE.

Chapter 4 of title 25 of the new code is entitled "Territorial provisions" and contains sections 3957–4038. Of these, 30 sections are essentially the same as the corresponding section of the Revised Statutes from which they were taken, and no reference to other statutes is given as the source of their origin. While 13 other sections are taken in the main from the corresponding sections of the Revised Statutes, reference is also made to various Statutes at Large. The remaining 39 sections refer only to the Statutes at Large for the source of their origin.

All sections and parts of sections which have their origin in the Revised Statutes appear in Title XXIII, Chapter I, entitled "Provisions common to all the Territories," of the Revised Statutes. The Congress was then speaking as of January 1, 1870, when we had no noncontiguous organized Territories. The District of Columbia was not then and is not now a Territory within the meaning of Chapter I, Title XXIII, of the Revised Statutes, for "it is well settled that the District of Columbia has no legislative power, it being merely a municipal corporation bearing the same relation to Congress that a city does to the legislature of the State in which it is incorporated." United States ex rel. Daly v. MacFarland (28 Dist. of Col. Apps. 352, 558, and cases cited).

The result is that Chapter IV, Title XXV, of the new code has been superseded in its entirety in so far as contiguous Territories are concerned by the admission of those Territories into the Union as States.

If the provisions of Chapter IV, Title XXV, of the new code are not applicable to or in force in either Alaska or the Hawaiian Islands or Porto Rico or the Philippine Islands, they are not applicable to or in force in any Territory or elsewhere. An examination into the nature, character, or kind of governments which have been set up in those Territories will not be out of place at this time.

ALASKA.

Alaska remained from the date of the cession until 1884 an unorganized Territory, subject very largely to the provisions of the act of July 27, 1868 (15 Stat. 240). The provisions of that act were reproduced in sections 1954 to 1976, inclusive, of the Revised Statutes, under the title of "Provisions relating to the unorganized Territory of Alaska." Steamer *Coquitlam v.* United States, 163 U. S. 346.

Alaska is not only an organized Territory but an organized Territory incorporated into the United States. Rassmussen *v.* United States, 197 U. S. 516. The present organic act is that of August 24, 1912 (37 Stat. 512), which established a complete system of government, legislative, executive, and judicial. Chapter 2 of Title XXV of the new code, embracing sections 3763 to 3873, inclusive, reproduce those provisions of the Statutory Laws of the United States deemed by the revisers specifically applicable to and in force in Alaska. Of these 111 sections, only two contain a reference to the Revised Statutes, the other references being to volumes of the Statutes at Large enacted subsequent to the Revised Statutes. It will be noted that by section 3765 of the New Code, reproducing certain statutes now in force, the Legislature of the Territory of Alaska is given authority to alter, amend, modify, and repeal acts of Congress in force in Alaska, with the following exceptions: Customs, internal revenue, postal, or other general laws of the United States; game, fish, and fur-seal laws, and laws relating to fur-bearing animals of the United States applicable to Alaska; laws of the United States providing for taxes on business or trade; the act of January 27, 1905 (33 Stat. 616), providing for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons; the provisions gathered together in section 3823 of the New Code, under the heading "Alaskan funds"; the provisions in section 3839 of the New Code under the heading "Insane persons"; the provisions of section 3825, to 3835, inclusive, of the New Code dealing with roads, road commissioners, road overseers, etc., and public instruction in Alaska; and any act purporting to deprive the judges and officers of the district court of Alaska of any authority, jurisdiction, or function exercised by like judges or officers of the district courts of the United States. In section 3771 are found limitations on the legislative powers of the Territory but within the limits set by sections 3765 and 3771 the Legislature of Alaska has the same power to repeal acts of Congress as is given the legislatures of the Philippine Islands and of Porto Rico, and the same observations hereinafter made with reference to those Territories are applicable here. There is no method of determining which of the provisions enacted by Congress are thus subject to repeal or are no longer law, except by a careful examination of the acts of the territorial legislature since the enactment of such laws by Congress. And this examination would require considerable research, because the acts of the territorial legislature do not specifically refer to the Federal statutes which they may be repealing. The general territorial provisions found in Chapter IV of Title XXV of the New Code have likewise been modified by acts of the territorial legislature. For example, the elaborate system of mine inspection, provided for in sections 4019 to 4034, have been superseded by territorial acts, the latest of which appears to be chapter 51 of the Session Laws of Alaska, 1917. In this particular instance the Alaskan statute would probably continue in effect after the enactment of the New Code by reason of the provisions of section 4034 of the New Code. But other sections, as they appear in the New Code, have no doubt been changed. For example, the Legislature of Alaska, in chapter 72 of the Laws of 1917 passed a statute granting to the United States or to the Territory the right to have certain judgments of the district court of the Territory of Alaska in criminal cases reviewed by a writ of error. The reenactment of the provisions contained in section 3800 of the New Code, with no reference to such act as that, and without incorporation of the matter found in the territorial act, would raise a grave doubt as to whether the territorial act was not repealed by implication on the enactment of the New Code.

The question suggests itself whether any of the provisions of Chapter IV, Title XXV, of the new code apply to or are in force in Alaska at this time. As a preliminary question it is necessary to decide whether or not the specific provisions in the new code dealing with Alaska and found in sections 3763 to 3873, inclusive, are so comprehensive as not to leave any ground for the operation of the so-called "Territorial provisions." Where a provision referring specifically to Alaska is found the general territorial provisions would not seem to apply by reason of that rule of statutory construction by which a general provision is held inapplicable when a special provision covers the same general subject matter although not in precisely the same terms.

It is possible to answer this question very definitely for the great majority of sections in Chapter IV, for it is believed that there are not more than three or four of such sections in Chapter IV the subject matter of which is not covered in the preceding Chapter II, relating specifically to Alaska or by an act of the Legislature of Alaska.

Reference to the table appended will disclose that of the 82 sections in Chapter IV dealing with the Territories generally only 6, viz, sections 3995, 3996, 3999, 4014, 4015, and 4020, appear to contain provisions not covered by the specific provisions of Chapter II relating to Alaska. Of these six provisions only a single sentence from one was included by the joint committee, which compiled the laws of Alaska in 1913, in its compilation. Section 3995 is covered by a local Alaskan statute; sections 3996 and 3999 might perhaps be construed as inapplicable because of section 3807; and the remaining three sections appear to be the only subject matter not covered in Chapter II or elsewhere.

The result is that if all of Chapter IV of the new code were omitted no material provision relating to Alaska would be omitted or repealed save the provisions in sections 4014, 4015, and 4020.

Absence of an index makes it impossible to determine with certainty what provisions relating to Alaska other than those in Title XXV are in the new code, but several instances have been noted of such provisions in other titles. Thus in section 5211 of the new code the acquisition of rights of way by railroads and the charges for transportation of freight and passengers on railroads in Alaska is provided for by reproducing section 2 of the act of May 14, 1898 (30 Stat. 409). The reproduction of that section as it stands will raise a question that perhaps will occur repeatedly in construing the new code. The Supreme Court of the United States in Interstate Commerce Commission *v.* Humboldt Steamship Company (224 U. S. 474, 483), held that the power of the Secretary of the Interior to revise and modify rates of railroads in Alaska given him by the section reproduced had been superseded by the Hepburn Act, of June 29, 1906 (34 Stat. 585), so that the power was not vested in the Interstate Commerce Commission alone. Would the reenactment of the law as it now stands in section 5211 of the new code override this court decision so that the Secretary of the Interior would again take such power? Or would the simultaneous enactment of section 1 of the Hepburn Act by section 7036 of the new code continue the status quo? Whichever view is taken, there would be a contradiction between the two provisions which would probably result in litigation.

The general result of this short study may be summarized as follows:

(1) The sections of the new code in Title XXV, Chapter II, dealing with statutory laws of the United States directly applicable to and in force in Alaska do not contain all of said laws nor do they appear to contain the specific provisions of law applicable to Alaska on March 4, 1919, as modified by the Territorial legislation of Alaska under the power given it by section 3 of the organic act of August 24, 1912. Consequently as such modifications have been made, it would be a question of statutory construction of considerable difficulty whether the enactment of the new code without containing such modifications would not in effect be a repeal thereof.

The provisions in the new code found in Title XXV, Chapter IV, are almost entirely covered by the specific provisions above referred to and only in isolated instances, if at all, will there be room for these provisions to operate in Alaska. Consequently, to determine whether or not one of these general provisions in Chapter IV is in force in Alaska, it would be necessary to ascertain by detailed examination of Chapter II whether or not there is a special provision for Alaska rendering the general provision in operation.

The results of my investigation in respect to Hawaii, Porto Rico, and the Philippine Islands will be set forth less in detail than that of Alaska.

HAWAII.

The Republic of Hawaii continued in existence from the adoption of the joint resolution of July 7, 1898, until the passage of the organic act of April 30, 1900 (31 Stat. 141), when the "Territory of Hawaii" was organized. Hawaii *v.* Mankichi (190 U. S. 197). That organic act established a complete system of government, legislative, executive, and judicial. Chapter III of Title XXV of the new code, embracing sections 3874 to 3956, inclusive, reproduce those provisions of the statutory laws of the United States deemed by the revisers specifically applicable to and in force in Hawaii. Of these 83 sections not one contains a reference to the Revised Statutes; 60 sections contain reference only to the organic act of April 30, 1900, supra; 18 to that organic act and other acts; and 5 to acts other than the organic act. The five sections which contain no reference to the organic act have to do with public lands (sec. 3951), personal or movable property ceded to the United States (sec. 3952), assumption of the public debt by the United States (sec. 3953), Hawaiian silver coins and certificates (sec. 3955), and intoxicating liquors (sec. 3956).

As to the application of Chapter IV, Title XXV, "Territorial provisions," to Chapter III, "Hawaii," I find that by section 3878 of the new code 47 sections of Chapter IV are expressly declared inoperative in Hawaii. The presumption, therefore, arises that the remaining 35 sections of Chapter IV were intended to be operative in Hawaii, and this presumption stands until there is found a special provision for Hawaii covering the subject matter of each of these 35 sections in Chapter III or elsewhere in the code. As to three sections, it appears that the general provisions of Chapter IV are inapplicable by reason of the comprehensive language of the sections in Chapter III. The corresponding sections in the two chapters are as follows:

Chapter IV covered by Chapter III.	
3968	3897
4007	3916
4012	3916

As to six sections there is a question of more doubt, for while the specific provisions in Chapter III deal more or less generally with the subject matter they do not cover it as comprehensively as in the first group. These sections are as follows:

Chapter IV covered by Chapter III.		Comment.
3967	3911	
3972	3916, 3939	Are there justices of peace in Hawaii? No reference found to them in the laws of Hawaii.
3977	3923	
3978	3891	
3985	3939, 3937, 3942	
3996	3945	

There remain 26 sections of Chapter IV which do not appear to be covered either expressly or by implication in Chapter III. Of these 26 sections it seems clear that there is a reason why at least seven of them should not be included in Chapter III. These sections are as follows: Sections 4016–4018 apply only to the District of Columbia; section 4037 and section 4038 are general provisions of Federal law rather than Territorial provisions; while section 4009 is not included in the list of those sections not applicable to Hawaii under section 3878; said section 4009 is an amendment of chapter 818 (24 Stat. L., 170), and amendments of that chapter are expressly excluded from operation in Hawaii by the provisions of section 3878; section 4010 relates to the provisions of sections 4004 to 4008, inclusive, but sections 4004 to 4006 and 4008 are, by section 3878, not applicable to Hawaii and section 4007 is expressly covered by section 3916, and section 4009 is not applicable to Hawaii for the reasons just stated. There is, therefore, nothing on which section 4010 can operate.

There seems no reason for including the 16 sections running from 4019 to 4034 in Chapter III, because there are no coal mines, no mining, in the Territory of Hawaii to which these elaborate provisions could apply.

This leaves the provisions of sections 4014, 4015, and 4020 dealing with the rights of aliens to hold land in Hawaii. By section 3929, taken from the organic act, it is provided that aliens can not acquire homesteads in Hawaii except under certain conditions. The compilers of the Revised Laws of Hawaii, 1915, on page 52 of their work query "whether Federal statutes (24 Stat. 476; 25 Stat. 45; 29 Stat. 618) relating to disabilities of aliens to hold land in the Territories in general are applicable to Hawaii," although that question does not appear to have been passed upon by the courts. Assuming the answer is in the affirmative, however, the general result of this hasty examination would seem to be that these three sections are the only ones that are not covered by the provisions of Chapter III, and that otherwise the

omission of Chapter IV of Title XXV of the new code would not materially affect the present laws in force in Hawaii.

It is worthy of note that the local Legislature of Hawaii may have covered by legislation a part of the subject matter covered by some of the 35 sections of Chapter IV, for the legislature is given, by section 55 of the organic act, as amended by the act of May 27, 1910 (Sec. 3916 of the new code), legislative power extending to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States locally applicable, except those subjects therein specifically mentioned. For instance, section 3937 provides that the judicial power of the Territory shall be vested in one supreme court, circuit courts, and in such inferior courts as the legislature may from time to time establish. Whether the legislature has established courts of justices of the peace, I do not know. However this may be, it would seem that the establishment of such courts would be a rightful subject of legislation. I pursue this point no further.

PORTO RICO.

What sections, if any, of Chapter IV, Title XXV, of the new code, relating to the organization and functioning or procedure of the three departments of government in an organized Territory, apply to Porto Rico? An understanding of the kind of government which has been erected for the people of Porto Rico will aid in the solution of the question.

In Kopel *v.* Bingham (211 U. S. 468), it was held that Porto Rico is a completely organized Territory, although not incorporated into the Union. To the same effect is the holding in American Railroad Company of Porto Rico *v.* Didrichsen (227 U. S. 145). And in People of Porto Rico *v.* Rosaly (227 U. S. 270) it was held that the government established in Porto Rico was of such a nature as to come within the general rule exempting a government sovereign in its attributes from being sued without its consent. These cases were decided while the Porto Rican government was functioning under the act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes" (31 Stat. 77). Section 14 thereof provided that the "statutory laws of the United States, not locally inapplicable, * * * shall have the same force and effect in Porto Rico as in the United States." This section did not make section 1891 of the Revised Statutes (sec. 4036 of the new code) applicable to Porto Rico. (Downes *v.* Bidwell, 182 U. S. 244.)

The new organic act of March 2, 1917, supra, is entitled "An act to provide a civil government for Porto Rico, and for other purposes." Section 2 contains the first bill of rights enacted for Porto Rico. Here every fundamental right granted by the Constitution is guaranteed to the people of Porto Rico. Within the limits of its authority the government of Porto Rico is now a complete governmental organism with legislative, executive, and judicial departments exercising the functions commonly assigned to such departments, although Porto Rico is not yet incorporated into the Union. (Balzac *v.* People of Porto Rico, 66 L. Ed. 413.) The separation of powers is just as complete as that of the Federal and State Governments. The act of March 2, 1917, supra, is the practical equivalent of a State constitution. Section 9 of that act provides that the statutory laws of the United States not locally inapplicable, except as therein set forth, shall have the same force and effect in Porto Rico as in the United States. This section did not place section 1891 of the Revised Statutes (sec. 4036, new code) in force in Porto Rico. Balzac *v.* People of Porto Rico, supra.

The new organic act of March 2, 1917, supra, further provides that all local legislative powers in Porto Rico, except as in the act provided, shall be vested in a legislature consisting of two houses (sec. 25); that the legislative authority therein provided shall extend to all matters of a legislative character not locally inapplicable, including the power to alter, amend, modify, or repeal any or all laws in force in Porto Rico in so far as such action may be consistent with the provisions of the act (sec. 37); and by section 58 all inconsistent laws are repealed and all existing consistent laws are retained. The other sections of the act make complete provisions for the organization and functioning of the three great departments of the government—the legislative, executive, and judicial. The provisions of the new organic act of March 2, 1917, supra, consisting of sections 1 to 58, inclusive, are reproduced in Chapter I, Title XXVI, of the new code.

The result is that the operation of each and every provision in Chapter IV, Title XXV, of the new code which has to do with the creation, organization, and functioning of the three great departments of government as such are excluded from Porto Rico by the new organic act of March 2, 1917, supra, for the reason that this act completely covers the subject matter in each case.

May I be permitted to submit one other observation touching the probable results which might flow from the enactment of the new code in its present form in respect of the government of Porto Rico?

The Federal employers' liability act, entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases" (35 Stat. 65), provides in section 2 that every common carrier by railroad in the Territories, etc., shall be liable in damages as therein provided. The provisions of this section appear in the new code, section 7449. This latter section is an exact copy of the former, with the exception of the title. The employers' liability act was amended by the act of April 5, 1910 (36 Stat. 291), and the sections of the act as thus amended appear substantially as sections 7453 and 7456 of the new code.

In American Railroad Co. of Porto Rico *v.* Birch (224 U. S. 547), decided by the Supreme Court of the United States on May 13, 1912, it was held that "The employers' liability act expressly applies to Porto Rico" (p. 555). The court so held after quoting section 2 of the act.

At an extraordinary session held in 1918 the Legislature of Porto Rico enacted a workmen's accident compensation act (Laws of Porto Rico, 1918, p. 54). In August, 1919, the Porto Rican Railway, Light & Power Co. brought an action against Manuel Camunas et al., composing the workmen's relief commission, for the purpose of enjoining the enforcement of the local compensation act as being in conflict with the Federal employers' liability act. The United States District Court for Porto Rico granted a preliminary injunction restraining the enforcement of the local act. The Circuit Court of Appeals for the First Circuit (Camunas et al. *v.* P. R. Ry., Light & Power Co., 272 Fed. Rep. 924) reversed the decree of the lower court and held the local act valid. The result is that the employers' liability act is no longer in force in Porto Rico, according to the circuit court of appeals, because it is either locally inapplicable or was repealed by the new organic act of March 2, 1917, supra, or was repealed by the local legislature when it passed the workmen's compensation act. If the new code is enacted in its present form, it may have the effect of making the employers' liability act again applicable to Porto Rico, thereby superseding the local legislation on the subject.

I am not advised as to the number of other instances, if any, where local legislation in conflict with Federal legislation has been enacted by the Porto Rican Legislature.

PHILIPPINE ISLANDS.

Again, what section, if any, of Chapter IV, Title XXV, of the new code relating to the organization and functioning or procedure of the three departments of government in an organized Territory are in force in the Philippine Islands. The status of the Philippine Islands under the new organic act of August 29, 1916 (39 Stat. 545), is that of a completely organized Territory—a possession of the United States not incorporated into the Union. Section 5 provides that the statutory laws of the United States hereafter enacted shall not apply to the Philippine Islands "except when they specifically so provide, or it is so provided in this act." Section 1 of the former organic act of July 1, 1902 (32 Stat. 691), provided that the provisions of section 1891 of the Revised Statutes of 1878 shall not apply to the Philippine Islands.

The Government of the Philippine Islands is now, like that of Porto Rico, a complete governmental organism, with legislative, executive, and judicial departments. The separation of powers is just as complete as that of the Federal and State systems. The act of August 29, 1916, supra, is the practical equivalent of a State constitution. Sections 6, 7, and 8 of this act give the Philippine Legislature general legislative power, subject to the limitations contained therein, including the power to amend, alter, modify, or repeal any law continued in force by the act, provided such action be not in conflict with the said act. And by section 31, "All laws or parts of laws applicable to the Philippine Islands not in conflict with any of the provisions of this act are hereby continued in force and effect." The other sections of the act make complete provisions for the organization and operation of the three great departments of the Philippine Government. The provisions of the new organic act of August 29, 1916, supra, are reproduced in Chapter II, Title XXVI, of the new code, except the provisions of section 26 of the said new organic act. Whether these provisions appear in some other section of the new code I do not know.

So it is clear that the operation of each and every provision in Chapter IV, Title XXV, of the new code, which has to do with the creation, organization, and functioning of the three great departments of government as such, are excluded from the Philippine Islands by the new organic act of August 29, 1916, supra.

One other observation: The act of Congress of February 6, 1905 (33 Stat. 690), limited the authority of the Philippine Government in lending financial aid to the railroad corporations operating in the islands to the guaranteeing of interest on bonds issued by such corporations. The pertinent provisions of that act are reproduced in section 4224 of the new code.

By Act No. 3008, the Philippine Legislature authorized the Philippine Government to guarantee the payment of both the principal and interest of certain bonds to be issued by the Manila Railroad Co. The legality of this guaranty was submitted to the Attorney General of the United States, and he held, on April 21, 1922 (33 Ops. Atty. Gen. 147), that the act of February 6, 1905, supra, was continued in force by the act of August 29, 1916, supra, and that:

"The provisions of Act No. 3008, above quoted, must be construed as amending section 4 of the act of February 6, 1905, supra, to permit the Philippine Government to guarantee the principal as well as the interest of bonds issued by the railroad companies organized pursuant to the laws of the said government."

While Act No. 3008 of the Philippine Legislature was enacted subsequent to March 4, 1919, it is cited for the purpose of showing that both the Philippine Legislature and the Attorney General of the United States are of the opinion that the former has the power to repeal or modify any act of Congress in force in the Philippine Islands, provided that such action on the part of the local legislature be not in conflict with the new organic act of August 29, 1916, supra. This is the only instance that has been called to my attention wherein the Philippine Legislature has modified an act of Congress, although I might point out that a few months after the approval of the act of August 29, 1916, supra, the Philippine Legislature passed, effective on October 1, 1917, Act No. 2711, known as the Administrative Code, which contains 2,768 sections. This Administrative Code was enacted "for the purpose of adapting it to the Jones law (act of August 29, 1916) and the reorganization act (Act No. 2666 of the Philippine Legislature). Whether any of the provisions of the Administrative Code have been held to have repealed or modified any act of Congress in force in the Philippine Islands I can not state. Neither can I say whether subsequent Philippine legislation has modified or repealed any act of Congress in force in the islands.

OBSERVATIONS COMMON TO BOTH PORTO RICO AND THE PHILIPPINE ISLANDS.

There are indications which tend to show that chapter 4, title 25, of the new code is not applicable to Territories not incorporated into the Union, such as Porto Rico and the Philippines, for the chapter is entitled "Territorial provisions," and Porto Rico and the Philippines are not mentioned in section 3961 along with Alaska and Hawaii. True it is that both Porto Rico and the Philippines are mentioned in section 4038, but the proviso takes the Philippines out of the operation of the section. With this single exception in respect to Porto Rico, I find no provision in the entire chapter, as a result of this somewhat hasty study, which is applicable to either Porto Rico or the Philippines.

The most important question upon this branch of the inquiry is, in my opinion, the one which was considered in Two hundred and seventy-second Federal Report 924 and in Thirty-third Opinions Attorney General 147. As I have heretofore indicated, I have not examined chapters 1 and 2, title 26, section by section and the related sections, for the purpose of pointing out just what provisions therein have been amended, modified, or repealed by the organic act of August 29, 1916, and March 2, 1917, supra, or by the local legislatures.

I note that the preamble to the organic act of August 29, 1916, is entirely omitted in the new code. No legal objection can be raised on this point. A great many of the Filipino people, however, consider this preamble as the most sacred and important declaration yet made by the Congress in so far as the islands are concerned.

CONCLUSIONS.

My sole purpose in submitting these comments and observations is the hope that they may be of some assistance to you in your study of this important legislation, knowing at the same time that the Congress will pursue its traditional policy of moving cautiously in such matters so as not to disturb the existing condition of things any further than is necessary under the circumstances.

GRANT T. TRENT.

Table showing sections in Chapter IV, Title XXV, of new code, entitled "Territorial provisions," covered in Chapter II, Title XXV, entitled "Alaska," with comments on such sections as do not appear to be thus covered.

Chapter IV ("Territorial Provisions").	Covered by section in Chapter II (Alaska).	Comment.
3957	3796	
3958	3776	
3959	3797	
3960	3797	
3961	3766	
3962	3767	Can operate only prospectively and hence not applicable to Alaska in any event.
3963	3783–3795	
3964	3779	
3965	3771	
3966	3768	
3967	3768	
3968	3766	
3969	3773	Probably so construed.
3970	3807	
3971	3802	No militia in Alaska; hence not applicable.
3973	3771	See act of Apr. 28, 1904 (33 Stat. 529) re municipalities in Alaska (not in new code).
3974		
3975	3767	
3976	3782	
3977	3782	
3978	3769	
3979	3781	
3980	3783–3795	
3981	3800	
3982	3800	
3983	3802	
3984	3800	
3985	3800–3801	
3986	3800–3801	
3987	3802	
3988	3802	
3989	3802	
3990	3801	
3991	3801	
3992	3804	
3993	3805	
3994	3807	
3995	----	Requirement of oath of office. This is covered by sec. 795, Comp. Laws, Alaska, 1913. Salaries not to commence until oath of office taken; query as to whether 3996 applicable to Alaska in view of 3807?
3996		
3997	3807	
3998	3807–3808	
3999	----	No salary to officer of a Territory absent from duties; exception. Probably applicable to Alaska by reason of sec. 3807 of New Code.
4000	3764	
4001	3777	
4002	3777	
4003	3777	
4004	3771	
4005	3771	
4006	3771	
4007	3771	
4008	3771	See act of Apr. 28, 1904 (33 Stat. 529), as to municipal indebtedness.
4009	3771	
4010	3771	
4011	3779	
4012	3771	
4013	----	Ownership of real estate by religious societies, etc. Repealed by chap. 12, Laws of Alaska, 1913?
4014	----	Ownership of real estate by aliens. These provisions still apply to Alaska (133 Fed. 216).
4015		
4020		
4016	----	Provisions applicable to District of Columbia.
4017		
4018		
4019	----	Mine inspection is covered in several Alaskan acts, the latest of which is chap. 51, Session Laws of Alaska, 1917.
4021–4034		
4035	3821	
4036	3765	
4037	----	Use of Federal penitentiaries by Territories—a general rather than a Territorial provision.
4038	----	Shipping laws to apply to Alaska.

UNITED STATES VETERANS' BUREAU.

Mr. REED of Pennsylvania. Mr. President, I ask unanimous consent for the immediate consideration of Senate Resolution 466, creating a committee for the investigation of the Veterans' Bureau affairs. It is recommended by the committee which has been conducting that investigation, except that this resolution provides for a committee of three to report to the next Congress.

Mr. STERLING. Mr. President, I shall not object if it does not take any time.

Mr. ROBINSON. I hope there will be no objection to that resolution. I do not believe that it will require any considerable length of time to pass the resolution.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Is there objection to the present consideration of the resolution? The Chair hears none. The Secretary will read the resolution.

The resolution (S. Res. 466) was read, as follows:

Whereas complaints are being made against alleged delay by the Veterans' Bureau in the adjustment of claims for relief of invalid and disabled veterans of the World War under the various acts of Congress; and

Whereas it is claimed that there has been great and needless delay in the construction of hospitals and in providing proper hospitalization for the relief of disabled veterans, as a result of which much unnecessary suffering exists; and

Whereas it is claimed that an unnecessarily large proportion of the appropriations made by Congress for the relief of the veterans is being improperly consumed in overhead expense, duplication of duties, excessive rent of properties and quarters, and in the employment of an unnecessarily large number of agents, doctors, inspectors, instructors, and other persons; and

Whereas it has been charged that certain sales of surplus property belonging to the Government and under the supervision of the United States Veterans' Bureau were made improperly: Therefore be it

Resolved, That a committee consisting of three Senators, Members of the Sixty-eighth Congress, to be appointed by the President of the Senate, is authorized and directed to investigate the leases and contracts executed by the United States Veterans' Bureau or the Treasury Department for vocational schools and hospitals and for the purchase, rental, and sales of real estate and supplies used or to be used directly or indirectly by the Veterans' Bureau for the benefit of the veterans of the World War and the matters and conditions in the premises set forth and to report their findings, together with recommendations for the improvement of such conditions, to the next regular session of Congress. Such committee is authorized to sit during any recess of Congress and send for persons and papers, to administer oaths to witnesses, and to incur necessary expenses for clerical and other services not exceeding $20,000, which shall be paid out of the contingent fund of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

Mr. REED of Pennsylvania. I ask unanimous consent that S. J. Res. 288, authorizing the appointment of a committee to investigate the leases and contracts executed by the United States Veterans' Bureau, and for other purposes, which is the resolution reported by the committee, for a committee of five, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it will be indefinitely postponed.

Mr. ROBINSON. Will the Senator explain why he did not ask for the passage of the committee resolution?

Mr. REED of Pennsylvania. I can do that in a sentence, I think, Mr. President.

Mr. ROBINSON. I do not want to take up very much time about the matter.

Mr. REED of Pennsylvania. The committee resolution was a joint resolution, and the House has not acted on it. Therefore it is necessary for us to make this a Senate resolution if anything is to be done.

Mr. ROBINSON. Very well.

FREE ENTRY OF CERTAIN DOMESTIC ANIMALS.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the joint resolution (H. J. Res. 422) permitting the entry, free of duty, of certain domestic animals which have crossed the boundary line into foreign countries, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and the Presiding Officer appointed Mr. McCUMBER, Mr. SMOOT, and Mr. JONES of New Mexico conferees on the part of the Senate.

RECLASSIFICATION OF CIVILIAN EMPLOYEES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8928) to provide for the classification of civilian positions within the District of Columbia and in the field services.

Mr. STERLING. Mr. President, I now ask that the reading of the bill be proceeded with.

The VICE PRESIDENT. The Secretary will read the bill.

The READING CLERK. The Committee on Civil Service has reported an amendment to the bill to strike out all after the enacting clause and to insert:

SEC. 2. That the term "compensation schedules" means the schedules of positions, grades, and salaries as contained in section 13 of this act.

The term "department" means an executive department of the United States Government, a governmental establishment in the executive branch of the United States Government which is not a part of an executive department, the municipal government of the District of Columbia, the Botanic Garden, Library of Congress, Library Building and Grounds, Government Printing Office, and the Smithsonian Institution.

The term "the head of the department" means the officer or group of officers in the department who are not subordinate or responsible to any other officer of the department.

The term "board" means the personnel classification board established by section 3 hereof.

The term "position" means a specific civilian office or employment, whether occupied or vacant, in a department other than the following: Offices or employments in the Postal Service; teachers, librarians, school attendance officers, and employees of the community center department under the Board of Education of the District of Columbia; officers and members of the Metropolitan police, the fire department of the District of Columbia, and the United States park police; and the commissioned personnel of the Coast Guard, the Public Health Service, and the Coast and Geodetic Survey.

The term "employee" means any person temporarily or permanently in a position.

The term "service" means the broadest division of related offices and employments.

The term "grade" means a subdivision of a service, including one or more positions for which approximately the same basic qualifications and compensation are prescribed, the distinction between grades being based upon differences in the importance, difficulty, responsibility, and value of the work.

The term "class" means a group of positions to be established under this act sufficiently similar in respect to the duties and responsibilities thereof that the same requirements as to education, experience, knowledge, and ability are demanded of incumbents, the same tests of fitness are used to choose qualified appointees, and the same schedule of compensation is made to apply with equity.

The term "compensation" means any salary, wage, fee, allowance, or other emolument paid to an employee for service in a position.

SEC. 3. That there is hereby established an ex officio board, to be known as the personnel classification board, to consist of the Director of the Bureau of the Budget or an alternate designated by him, a member of the Civil Service Commission or an alternate designated by that commission, and the Chief of the United States Bureau of Efficiency or an alternate designated by him.

Mr. STERLING. In section 3, page 39, in line 16, of the committee substitute, after the word "alternate," I move to insert the words "from that bureau"; in the same line to strike out the word "him" and to insert in lieu thereof the words "the director"; in line 17, after the word "alternate," to insert the words "from that commission"; in the same line, to strike out the word "that" and to insert the word "the" in lieu thereof; in line 19, after the word "alternate," to insert the words "from that bureau"; and in the same line to strike out the word "him" and to insert the words "the chief of the bureau."

The VICE PRESIDENT. Without objection, the amendments to the amendment will be agreed to.

Mr. JONES of New Mexico. Mr. President, the Secretary has been reading the bill quite rapidly——

Mr. STERLING. Mr. President, I think, perhaps, I know what the Senator from New Mexico has in mind, but if he will let the reading continue for the present until we get through with a couple of committee amendments we shall return to the portion of the bill he wishes to amend and an opportunity will be given for individual amendments.

Mr. JONES of New Mexico. That will be satisfactory to me.

Mr. STERLING. Very well.

Mr. JONES of New Mexico. For what purpose, however, is the bill now being read—for committee amendments?

Mr. STERLING. The bill is being read for committee amendments.

Mr. JONES of New Mexico. If that be true, and if we are adopting committee amendments as we go along, then, from a parliamentary point of view, there would be no opportunity to amend the bill unless Senators should now offer their amendments.

Mr. SMOOT. There will be ample opportunity for Senators to offer amendments to the committee amendment later.

Mr. STERLING. The amendments which I am now offering are committee amendments.

Mr. JONES of New Mexico. Strictly speaking, I do not think so; but I am willing to act in accordance with the general understanding.

Mr. STERLING. I will see that the Senator from New Mexico has an opportunity to present his amendments.

Mr. CURTIS. Is it understood that after the amendments which are now being offered by the Senator from South Dakota [Mr. STERLING] on behalf of the committee to the pending substitute are agreed to it will then be open to amendments by Senators?

Mr. STERLING. Certainly. That is the understanding I have had all along.

The VICE PRESIDENT. Without objection, it is so ordered.

The reading clerk resumed and continued the reading of the committee substitute, as follows:

The Director of the Bureau of the Budget or his alternate shall be chairman of the board.

Subject to the approval of the President, the heads of the departments shall detail to the board, at its request, for temporary service under its direction, officers or employees possessed of special knowledge, ability, or experience required in the classification and allocation of positions. The Civil Service Commission, the Bureau of the Budget, and the Bureau of Efficiency shall render the board such cooperation and assistance as the board may require for the performance of its duties under this act.

The board shall make all necessary rules and regulations not inconsistent with the provisions of this act and provide such subdivisions of the grades contained in section 13 hereof and such titles and definitions as it may deem necessary according to the kind and difficulty of the work. Its regulations shall provide for ascertaining and recording the duties of positions and the qualifications required of incumbents, and it shall prepare and publish an adequate statement giving (1) the duties and responsibilities involved in the classes to be established within the several grades, illustrated where necessary by examples of typical tasks, (2) the minimum qualifications required for the satisfactory performance of such duties and tasks, and (3) the titles given to said classes. The board may from time to time designate additional classes within the several grades and may combine, divide, alter, or abolish existing classes. Department heads shall promptly report the duties and responsibilities of new positions to the board. The board shall make necessary adjustments in compensation for positions carrying maintenance and for positions requiring only part-time service.

SEC. 4. That after consultation with the board, and in accordance with a uniform procedure prescribed by it, the head of each department shall allocate all positions in his department in the District of Columbia to their appropriate grades in the compensation schedules and shall fix the rate of compensation of each employee thereunder, in accordance with the rules prescribed in section 6 herein. Such allocations shall be reviewed and may be revised by the board and shall become final upon their approval by said board. Whenever an existing position or a position hereafter created by law shall not fairly and reasonably be allocable to one of the grades of the several services described in the compensation schedules, the board shall adopt for such position the range of compensation prescribed for a grade, or a class thereof, comparable therewith as to qualifications and duties.

SEC. 5. That the compensation schedules shall apply only to civilian employees in the departments within the District of Columbia. The board shall make a survey of the field services and shall report to Congress at its first regular session following the passage of this act schedules of positions, grades, and salaries for such services, which shall follow the principles and rules of the compensation schedules herein contained in so far as these are applicable to the field services. This report shall include a list prepared by the head of each department, after consultation with the board and in accordance with a uniform procedure prescribed by it, allocating all field positions in his department to their approximate grades in said schedules and fixing the proposed rate of compensation of each employee thereunder in accordance with the rules prescribed in section 6 herein.

SEC. 6. That in determining the compensation to be established initially for the several employees the following rules shall govern:

1. In computing the existing compensation of an employee, any bonus which the employee receives shall be included.

2. If the employee is receiving compensation less than the minimum rate of the grade or class thereof in which his duties fall, the compensation shall be increased to that minimum rate.

3. If the employee is receiving compensation within the range of salary prescribed for the appropriate grade at one of the rates fixed therein, no change shall be made in the existing compensation.

4. If the employee is receiving compensation within the range of salary prescribed for the appropriate grade, but not at one of the rates fixed therein, the compensation shall be increased to the next higher rate.

5. If the employee is receiving compensation in excess of the range of salary prescribed for the appropriate grade or class thereof, no change shall be made in the existing compensation.

6. All new appointments shall be made at the minimum rate of the appropriate grade or class thereof, but the board may authorize appointments at rates above the minimum for the grade if such action is necessary in the interest of good administration.

7. In determining the rate of compensation which an employee shall receive, the principle of equal compensation for equal work irrespective of sex shall be followed.

SEC. 7. Increases in compensation shall be allowed upon the attainment and maintenance of the appropriate efficiency ratings: *Provided, however*, That in no case shall the compensation of any employee be increased unless Congress has appropriated money from which the increase may lawfully be paid, nor shall the rate for any employee be increased beyond the maximum rate for the grade to which his position is allocated. Nothing herein contained shall be construed to prevent the promotion of an employee from one class to a vacant position in a higher class at any time in accordance with civil-service rules, and when so promoted the employee shall receive compensation according to the schedule established for the class to which he is promoted.

SEC. 8. That nothing in this act shall modify or repeal any existing preference in appointment or reduction in the service of honorably discharged soldiers, sailors, or marines under any existing law or any Executive order now in force.

SEC. 9. That the board shall have powers of review and revision over uniform systems of efficiency rating established for the various grades or classes thereof, which shall set forth the degree of efficiency which shall constitute ground for (a) increase in the rate of compensation for employees who have not attained the maximum rate of the class to which their positions are allocated, (b) continuance at the existing rate of compensation without increase or decrease, (c) decrease in the rate of compensation for employees who at the time are above the minimum rate for the class to which their positions are allocated, and (d) dismissal. In case of failure to adopt the revisions made by the board, appeal may be taken to the President.

The head of each department shall rate in accordance with such systems the efficiency of each employee under his control or direction. The current ratings for each grade or class thereof shall be open to inspection by the representatives of the board and by the employees of the department under conditions to be determined by the board after consultation with the department heads.

Reductions in compensation and dismissals shall be made by heads of departments in all cases whenever the efficiency ratings warrant, as provided herein, subject to the approval of the board.

The board may require that one copy of such current ratings shall be transmitted to and kept on file with the board.

SEC. 10. That, subject to such rules and regulations as the President may from time to time prescribe, and regardless of the department or independent establishment in which the position is located, an employee may be transferred from a position in one grade to a vacant position within the same grade at the same rate of compensation, or promoted to a vacant position in a higher grade at a higher rate of compensation, any provision of existing statutes to the contrary notwithstanding.

Mr. STERLING. On page 45, line 12, after the word "compensation," I move to insert the words "in accordance with civil-service rules," so that it will read:

a higher rate of compensation in accordance with civil-service rules.

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to.

The reading clerk resumed the reading of the committee substitute, as follows:

Provided, That nothing herein shall be construed to authorize or permit the transfer of an employee of the United States to a position under the municipal government of the District of Columbia, or an employee of the municipal government of the District of Columbia to a position under the United States.

SEC. 11. That nothing contained in this act shall be construed to make permanent any temporary appointments under existing law.

SEC. 12. That it shall be the duty of the board to consider what rates of compensation consistent with efficiency and economy in the Government service and the maintenance of a reasonable standard of living should be paid to the civilian employees of the Government; to make a study of the rates of compensation provided in this act for the various services and grades with a view to any readjustment deemed by said board to be just and reasonable. Said board shall, after such study and at such subsequent times as it may deem necessary, report its conclusions to Congress with any recommendations it may deem advisable.

SEC. 13. That the compensation schedules be as follows:

PROFESSIONAL AND SCIENTIFIC SERVICE.

The professional and scientific service shall include all classes of positions the duties of which are to perform routine, advisory, administrative, or research work which is based upon the established principles of a profession or science, and which requires professional, scientific, or technical training equivalent to that represented by graduation from a college or university of recognized standing.

Grade 1, in this service, which may be referred to as the junior professional grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, simple and elementary work requiring professional, scientific, or technical training as herein specified, but little or no experience.

The annual rates of compensation for positions in this grade shall be $1,860, $1,920, $2,000, $2,100, $2,200, $2,300, and $2,400.

Grade 2, in this service, which may be referred to as the assistant professional grade, shall include all classes of positions the duties of which are to perform, under immediate or general supervision, individually or with a small number of subordinates, work requiring professional, scientific, or technical training as herein specified, previous experience, and, to a limited extent, the exercise of independent judgment.

The annual rates of compensation for positions in this grade shall be $2,400, $2,500, $2,600, $2,700, $2,800, $2,900, and $3,000.

Grade 3, in this service, which may be referred to as the associate professional grade, shall include all classes of positions the duties of which are to perform, individually or with a small number of trained assistants, under general supervision but with considerable latitude for the exercise of independent judgment, responsible work requiring extended professional, scientific, or technical training and considerable previous experience.

The annual rates of compensation for positions in this grade shall be $3,000, $3,100, $3,200, $3,300, $3,400, $3,500, and $3,600.

Grade 4, in this service, which may be referred to as the full professional grade, shall include all classes of positions the duties of which are to perform, under general administrative supervision, important specialized work requiring extended professional, scientific, or technical training and experience, the exercise of independent judgment, and the assumption of responsibility for results, or for the administration of a small scientific or technical organization.

The annual rates of compensation for positions in this grade shall be $3,800, $4,000, $4,200, $4,400, $4,600, $4,800, and $5,000, unless a higher rate is specifically authorized by law.

Grade 5, in this service, which may be referred to as the senior professional grade, shall include all classes of positions the duties of which are to act as assistant head of a large professional or scientific organization, or to act as administrative head of a major subdivision of such an organization, or to act as head of a small professional or scientific organization, or to serve as consulting specialist, or independently to plan, organize, and conduct investigations in original research or development work in a professional, scientific, or technical field.

The annual rates of compensation for positions in this grade shall be $5,200, $5,400, $5,600, $5,800, and $6,000, unless a higher rate is specifically authorized by law.

Grade 6, in this service, which may be referred to as the chief professional grade, shall include all classes of positions the duties of which are to act as the scientific and administrative head of a major professional or scientific bureau, or as professional consultant to a department head or a commission or board dealing with professional, scientific, or technical problems.

The annual rates of compensation for positions in this grade shall be $6,000, $6,500, $7,000, and $7,500, unless a higher rate is specifically authorized by law.

Grade 7 in this service, which may be referred to as the special professional grade, shall include all classes of positions the duties and requirements of which are more responsible and exacting than those described in grade 6.

The annual rates of compensation for positions in this grade shall be $7,500, unless a higher rate is specifically authorized by law.

SUBPROFESSIONAL SERVICE.

The subprofessional service shall include all classes of positions the duties of which are to perform work which is incident, subordinate, or preparatory to the work required of employees holding positions in the professional and scientific service, and which requires or involves professional, scientific, or technical training of any degree inferior to that represented by graduation from a college or university of recognized standing.

Grade 1 in this service, which may be referred to as the minor subprofessional grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, the simplest routine work in a professional, scientific, or technical organization.

The annual rates of compensation for positions in this grade shall be $900, $960, $1,020, $1,080, $1,140, $1,200, and $1,260.

Grade 2 in this service, which may be referred to as the under-subprofessional grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, assigned subordinate work of a professional, scientific, or technical character, requiring limited training or experience but not the exercise of independent judgment.

The annual rates of compensation for positions in this grade shall be $1,140, $1,200, $1,260, $1,320, $1,380, $1,440, and $1,500.

Grade 3 in this service, which may be referred to as the junior subprofessional grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, subordinate work of a professional, scientific, or technical character, requiring considerable training or experience, but not the exercise of independent judgment.

The annual rates of compensation for positions in this grade shall be $1,320, $1,380, $1,440, $1,500, $1,560, $1,620, and $1,680.

Grade 4 in this service, which may be referred to as the assistant subprofessional grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, subordinate work of a professional, scientific, or technical character requiring considerable training or experience, and, to a limited extent, the exercise of independent judgment.

The annual rates of compensation for positions in this grade shall be $1,500, $1,560, $1,620, $1,680, $1,740, $1,800, and $1,860.

Grade 5 in this service, which may be referred to as the main subprofessional grade, shall include all classes of positions the duties of which are to perform, under immediate or general supervision, subordinate work of a professional, scientific, or technical character requiring a thorough knowledge of a limited field of professional, scientific, or technical work, and the exercise of independent judgment, or to supervise the work of a small number of employees performing duties of an inferior grade in the subprofessional service.

The annual rates of compensation for positions in this grade shall be $1,680, $1,740, $1,800, $1,860, $1,920, $1,980, and $2,040.

Grade 6 in this service, which may be referred to as the senior subprofessional grade, shall include all classes of positions the duties of which are to perform, under immediate or general supervision, subordinate but difficult and responsible work of a professional, scientific, or technical character, requiring a thorough knowledge of a limited field of professional, scientific, or technical work, and the exercise of independent judgment, or to supervise the work of a small number of employees holding positions in grade 5 of this service.

The annual rates of compensation for positions in this grade shall be $1,860, $1,920, $2,000, $2,100, $2,200, $2,300, and $2,400.

Grade 7 in this service, which may be referred to as the principal subprofessional grade, shall include all classes of positions the duties of which are to perform, under general supervision, subordinate but responsible work of a professional, scientific, or technical character requiring a working knowledge of the principles of the profession, art, or science involved, and the exercise of independent judgment, or to supervise the work of a small number of employees holding positions in grade 6 of this service.

The annual rates of compensation for positions in this grade shall be $2,100, $2,200, $2,300, $2,400, $2,500, $2,600, and $2,700.

Grade 8 in this service, which may be referred to as the chief subprofessional grade, shall include all classes of positions the duties of which are to perform, under general supervision, subordinate but difficult and responsible work of a professional, scientific, or technical character, requiring a thorough working knowledge of the principles of the profession, art, or science involved, and the exercise of independent judgment, or to supervise the work of a small number of employees holding positions in grade 7 of this service.

The annual rates of compensation for positions in this grade shall be $2,400, $2,500, $2,600, $2,700, $2,800, $2,900, and $3,000.

CLERICAL, ADMINISTRATIVE, AND FISCAL SERVICE.

The clerical, administrative, and fiscal service shall include all classes of positions the duties of which are to perform clerical, administrative, or accounting work, or any other work commonly associated with office, business, or fiscal administration.

Grade 1 in this service, which may be referred to as the under clerical grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, the simplest routine office work, such as the following:

Accounting and auditing: Entering in registers, cashbooks, or journals, from verified original documents, without classification or distribution, or with distribution in columns according to classification indicated on original documents. (Longhand as distinguished from machine work.)

Editorial and correspondence: Comparing printed or typewritten matter with copy and indicating discrepancies.

Mails and files: Sorting papers numerically or alphabetically.

Indexing papers by names; filing by names or numbers.

Filing punch cards where the work requires merely the ability to read the cards.

Searching indexes (numeric or alphabetic).

Reading and classifying mail for distribution where the classification is by large office divisions.

Miscellaneous: Operating telephone switchboard.

Sorting and counting valuable paper, stamps, currency, coin, coupons, etc.

Verifying shipping lists of currency, securities, etc.

Hand copying from simple text; addressing envelopes.

Filling acknowledgment and similar forms.

Verifying bills, checks, notices, statements, letters, etc., with records from which prepared.

Proof reading and correcting errors in embossed plates and stencils.

Office appliance operation: Operating addressing machines (addressograph, Belknap, Elliott, etc.), or duplicating machines, mimeograph, etc.).

Operating listing adding machines (Burroughs, Dalton, Sunstrand, etc.).

Punching cards for tabulating machines (Hollerith, Powers, Peirce, etc.).

Embossing names, addresses, and other information on metal plates for use in addressing machines (graphotype).

Operating punch-card sorting machines (Hollerith, Powers, etc.).

Stenography and typing: Typing from plain copy nontechnical material, with little or no tabular matter.

Preparing stencils for addressing machine (Belknap).

The annual rates of compensation for positions in this grade shall be $1,140, $1,200, $1,260, $1,320, $1,380, $1,440, and $1,500.

Grade 2 in this service, which may be referred to as the junior clerical grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, assigned office work requiring training or experience but not the exercise of independent judgment, such as the following:

Accounting and auditing: Operating bookkeeping machines for register, journal, or billing work (Underwood, Remington-Wahl, Elliott-Fisher, etc.).

Entering in registers, cashbooks, or journals, from verified original documents, with distribution in columns or otherwise according to a classification made by the entry clerk himself. (Longhand as distinguished from machine work.)

Editorial and correspondence: Reviewing circulars, letters, and reports for errors in grammar, punctuation, and spelling.

Selecting correspondence forms and filling in appropriate items.

Mails and files: Indexing papers by names and indicating subject matter.

Searching subject files for specific information.

Miscellaneous: Copying tabular matter in longhand.

Office appliance operation: Operating nonlisting machines, principally addition only (comptometer, Burroughs calculator, etc.).

Operating automatic-feed addressographs.

Operating tabulating machines (Hollerith, Powers, etc.).

Setting type for multigraph.

Personnel: Keeping time records of personnel and preparing pay rolls.

Purchases and supplies: Receiving and issuing supplies and stores.

Statistical: Selecting and transcribing figures from reports, publications, and documents to tabulation sheets.

Making simple statistical tabulations that require no knowledge of the subject matter, but merely the following of simple instructions.

Coding schedules, questionnaires, reports, or other documents for use in punching tabulation cards.

Stenography and typing: Typing from plain copy in which technical or unusual words, expressions, and phrases occur frequently; typing involving tabular matter where operator is responsible for arrangement.

Preparing stencils for mimeograph.

Performing ordinary stenographic work, such as taking in shorthand and transcribing routine nontechnical dictation.

The annual rates of compensation for positions in this grade shall be $1,320, $1,380, $1,440, $1,500, $1,560, $1,620, and $1,680.

Grade 3 in this service, which may be referred to as the assistant clerical grade, shall include all classes of positions the duties of which are to perform, under immediate or general supervision, assigned office work requiring training and experience and knowledge of a specialized subject matter or the exercise of independent judgment or to supervise a small section performing simple clerical operations. The positions of employees performing the following duties, and positions requiring similar qualifications of their incumbents, shall be allocated to this grade.

Accounting and auditing: Operating bookkeeping machines for ledger and statement work (Underwood, Remington-Wahl, Burroughs, Elliott-Fisher, etc.).

Posting detail ledgers from registers, cashbooks, or journals or from separate posting media, locating errors in such ledgers and taking trial balances thereof. (Longhand as distinguished from machine work.)

Making routine examination of fiscal officers' accounts where a limited knowledge of regulations, comptroller's decisions, and minor points of law is required.

Examining and settling property returns and accounts, including passing upon the validity of papers filed as vouchers to property accounts.

Auditing passenger transportation claims and bills not involving land grants and express claims and bills.

Receiving cash or cash items and keeping primary accounts thereof.

Editorial and correspondence: Preparing correspondence in cases which require little special knowledge and in which the facts are clear and the action to be taken is obvious.

Briefing or digesting simple cases for action by administrative officers.

Legal: Performing clerical work in connection with the proceedings of cases instituted before a court, board, or other similar body, such as keeping dockets of hearings, petitions, appeals, etc.

Mails and files: Indexing or marking papers for filing by subjects according to a simple system.

Reading and classifying mail embracing a wide variety of subjects, which must be routed to many groups of employees, or where the work and organization of the office is involved and overlapping of functions between divisions is frequent.

Miscellaneous: Operating telegraph.

Performing routine clerical work in connection with receiving, sorting, storing, issuing, and shipping currency, bonds, securities, and valuable stamped paper, and keeping records of receipts, withdrawals, and balances thereof.

Office appliance operation: Operating computing and calculating machines, involving subtraction, multiplication, and division (comptometer, Burroughs calculator, Monroe Millionaire, Marchant, etc.).

Personnel: Performing clerical work in connection with personnel administration, involving the application of civil-service and departmental rules and regulations.

Purchases and supplies: Reviewing requisitions for supplies where the work requires the exercise of little discretion.

Secretarial: Performing the work of secretarial clerk to the head of a minor branch of the service.

Statistical: Examining simple statistical reports or schedules to determine their accuracy and completeness and preparing them for tabulation.

Stenography and typing: Having direct supervision over a small group of typists.

Performing stenographic work of more than average difficulty, such as taking in shorthand and transcribing routine dictation in which technical words, expressions, and phrases occur frequently or taking in shorthand and transcribing dictation with constant variation of subject matter (not routine) but containing few technical words, expressions, and phrases.

The annual rates of compensation for positions in this grade shall be $1,500, $1,560, $1,620, $1,680, $1,740, $1,800, and $1,860.

Grade 4 in this service, which may be referred to as the main clerical grade, shall include all classes of positions the duties of which are to perform, under immediate or general supervision, responsible office work requiring training and experience, the exercise of independent judgment or knowledge of a specialized subject matter, or both, and an acquaintance with office procedure and practice, or to supervise a small stenographic section or a small section performing clerical operations of corresponding difficulty. The positions of employees performing the following duties, and positions requiring similar qualifications of their incumbents, shall be allocated to this grade.

Accounting and auditing: Under a simple accounting system, journalizing routine transactions (or posting them directly to a ledger) where the bookkeeper must use judgment as to the accounts affected; posting of general ledger, locating errors therein, and taking trial balance thereof. (Longhand as distinguished from machine work.)

Analyzing personal or partnership income-tax returns not involving a field audit in order to determine the taxable income under the Federal income tax laws and the tax liability.

Auditing freight claims and bills not involving land grants.

Editorial and correspondence: Editing manuscripts for form and marking them for the printer, indicating style of type, headings, etc.; reading and revising galley and page proof; preparing title pages, tables of contents, indexes, etc.

Reviewing letters, telegrams, reports, etc., composed by correspondence clerks and others; criticizing such material as to general appearance, style, diction, and grammatical construction to see that it conveys the correct information in as concise form as possible.

Briefing or digesting cases of moderate complexity for action by administrative officers.

Composing and dictating correspondence, reports, and memoranda, involving an understanding of complicated office procedure and of administrative policies.

Mails and files: Indexing or marking papers for filing by subjects according to a system of moderate complexity.

Being responsible for opening, reading, routing, dispatching, classifying, indexing, and filing mail in a small Government organization where the responsibility for such functions is vested in one position, and supervising the work of assistants when required.

Personnel: Having direct supervision over the work of a group of clerks engaged on time records and the preparation of pay rolls.

Purchases and supplies: Reviewing requisitions for supplies, when the work requires the exercise of considerable discretion.

Supervising or administering a large storeroom or warehouse.

Statistical: Preparing statistical tables and computations following a definite plan laid out, and supervising a small group of employees performing a single process or series of simple related processes involving the use of adding, computing, and tabulating machines.

Stenography and typing: Performing stenographic work of high grade, such as taking in shorthand and transcribing dictation in which technical words, expressions, and phrases occur frequently with constant variation of subject matter.

The annual rates of compensation for positions in this grade shall be $1,680, $1,740, $1,800, $1,860, $1,920, $1,980, and $2,040.

Grade 5 in this service, which may be referred to as the senior clerical grade, shall include all classes of positions the duties of which are to perform, under general supervision, difficult and responsible office work requiring considerable training and experience, the exercise of independent judgment or knowledge of a specialized subject matter or both, and a thorough knowledge of office procedure and practice, or to supervise a large stenographic section or any large section performing simple clerical operations or to supervise a small section engaged in difficult but routine office work. The positions of employees performing the following duties, and positions requiring similar qualifications of their incumbents, shall be allocated to this grade:

Accounting and auditing: Analyzing and journalizing for cost accounting purposes pay rolls or time records, and requisitions or other records of property issued.

Making examinations of fiscal officers' accounts where a thorough knowledge of regulations, comptroller's decisions, and minor points of law is involved.

Analyzing corporation income and profits tax returns for the purpose of determining the taxable income under the Federal income tax laws and the tax liability.

Analyzing personal and partnership income and profits tax returns, which have been given a field audit, for the purpose of determining the taxable income under the Federal income tax laws and the tax liability.

Directing and having independent responsibility for the receiving and paying of money in a small bureau or establishment where the disbursements relate almost exclusively to salaries and travel.

Editorial and correspondence: Conducting correspondence in cases of moderate complexity requiring considerable special knowledge, in which the determination of the facts and the action to be taken involves the exercise of judgment and discretion.

Legal: Performing responsible clerical work in connection with the proceedings of cases instituted before a court, board, or other similar body, such as acknowledging, classifying, and docketing appeals, petitions, and other documents and referring them to an adjudicating organization.

Passing upon claims or other matters, disposition of which involves knowledge of particular laws, regulations, and office procedure, but not a general legal knowledge; conducting correspondence arising in connection therewith.

Miscellaneous: Having general supervision over a group of counters of money and securities and directing distribution of the work.

Personnel: Having general supervision over a central time record and pay-roll organization involving the management of a large group engaged on time records and pay rolls.

Performing work involving supervisory responsibility or the exercise of independent judgment and discretion in connection with the personnel administration of a Government organization; administering and applying, or assisting in the administration and application of, the civil-service laws and rules.

Purchases and supplies: Performing difficult and specialized work involved in the making of purchases of varied materials, supplies, or equipment; compiling estimates of requirements for materials, supplies, or equipment, and soliciting bids and quotations.

Secretarial: Performing the work of a secretarial clerk to the head of a major branch of the service.

Statistical: Performing statistical clerical work demanding a thorough knowledge of difficult or complicated procedure and the exercise of mature judgment, or supervising a small statistical clerical organization, being responsible for the output, flow of work, etc.

Stenography and typing: Making stenographic reports of the proceedings of meetings, conferences, hearings, or similar gatherings where the proceedings are more or less informal.

The annual rates of compensation for positions in this grade shall be $1,860, $1,920, $2,000, $2,100, $2,200, $2,300, and $2,400.

Grade 6 in this service, which may be referred to as the principal clerical grade, shall include all classes of positions the duties of which are to perform, under general supervision, exceptionally difficult and responsible office work, requiring extended training and experience, the exercise of independent judgment or knowledge of a specialized and complex subject matter, or both, and a thorough knowledge of office procedure and practice, or to serve as the recognized authority or adviser in matters requiring long experience and an exceptional knowledge of the most difficult and complicated procedure or of a very difficult and complex subject, or to supervise a large or important office organization engaged in difficult or varied work. The positions of employees performing the following duties, and positions requiring similar qualifications of their incumbents, shall be allocated to this grade:

Accounting and auditing: Under a complex accounting system, journalizing transactions (or posting them directly to a ledger) when the bookkeeper must use judgment as to the accounts affected, posting of general ledger, locating errors therein, taking trial balance thereof, and preparing periodical and special financial statements, such as balance sheets and operation statements.

Assisting in the designing and installing of accounting systems of a complex nature requiring a knowledge of accounting theory and practice.

Auditing transportation claims and bills, verifying transportation rates and charges involving allowances, divisions, or land grants, and handling correspondence in connection therewith.

Supervising the work of auditing and settling claims and accounts in a section of an auditor's office or performing the more difficult work of the section.

Editorial and correspondence: Editing and revising material for public distribution, advising with authors as to arrangement of materials, and laying out copy for printers guidance. Preparing summaries of reports for the press.

Briefing and digesting cases of exceptional complexity for action by administrative officers.

Conducting correspondence in complex cases requiring much special knowledge, in which the determination of the facts and the action to be taken requires independent judgment and discretion.

Mails and files: Indexing or marking papers for filing according to a complex subject system embracing a great variety of subjects.

Having responsible supervision over a large mail and file division where the subject matter of the correspondence is of a varied nature, and devising methods for the expeditious conduct of the work.

Miscellaneous: Having direct charge of a large stock vault or a group of vaults and supervising a group of clerks receiving, storing, safeguarding, issuing, and shipping securities, keeping records and indexes thereof, taking inventories, and making reports as required, where the transactions are numerous, and conducting correspondence relating to the work.

Supervising the work of a large group engaged in the distribution of publications, devising methods of facilitating and expediting the work, and making necessary reports and conducting correspondence.

Personnel: Having general supervision over the personnel office of a small Government organization.

Purchases and supplies: Passing upon requisitions for printing and binding and supervising the distribution or sale of publications, including maps, charts, and departmental forms and blanks, in a department or large bureau.

Stenography and typing: Making verbatim reports of the proceedings of formal conferences and meetings.

The annual rates of compensation for positions in this grade shall be $2,100, $2,200, $2,300, $2,400, $2,500, $2,600, and $2,700.

Grade 7 in this service, which may be referred to as the assistant administrative grade, shall include all classes of positions the duties of which are to perform, under general supervision, responsible office work along specialized and technical lines, requiring specialized training and experience and the exercise of independent judgment, or as chief clerk to supervise the general business operations of a small independent establishment or a minor bureau or division of an executive department, or to supervise a large or important office organization engaged in difficult and specialized work. The positions of employees performing the following duties, and positions requiring similar qualifications of their incumbents, shall be allocated to this grade:

Accounting and auditing: Settling the accounts of common carriers on the basis of commercial rates less the proper land-grant deductions.

Revising disbursing officers' accounts involving payments for freight transportation.

Directing and having independent responsibility for the receiving and paying of money in a small bureau or establishment where the disbursements are somewhat varied.

Analyzing consolidated corporation income and profits tax returns not involving a field audit for the purpose of determining the taxable income under the Federal income tax laws and the tax liability. (The position of an employee who has been engaged upon these duties for a period of not less than one year, and whose responsibilities have increased proportionately may, in the discretion of the head of the department concerned, be placed in grade 9, subject, however, to the approval of the Personnel Classification Board.)

Editorial and correspondence: Supervising and laying out the work of a group of clerks engaged in conducting important or specialized correspondence.

Legal: Supervising the work of a group engaged in receiving, acknowledging, classifying, docketing, indexing, filing, examining, and assigning appeals, pleadings, petitions, or other documents used in the proceedings of cases instituted before a Government board, commission, or other body possessing powers of adjudication; conferring with attorneys, plaintiffs, and others, and advising them as to the practice, procedure, and preparation of cases; deciding matters of practice and procedure; and similar duties.

Miscellaneous: Having direct charge of a large vault or group of vaults containing large quantities of securities, and supervising a group of clerks receiving, storing, safeguarding, issuing, and shipping securities held in trust by the United States, making substitutions and exchanges, clipping coupons and accounting therefor, keeping records and indexes thereof, taking inventories and making reports as required where the transactions are numerous, and conducting correspondence relating to the work.

Personnel: Performing the duties of assistant to a personnel officer in a large Government establishment where the personnel work requires a large force.

Purchase and supplies: Having responsibility for the procurement, receipt, storage, issue, and maintenance of supplies and equipment of a varied nature in an executive department, large bureau, or independent establishment.

Secretarial: Performing the work of private secretary to the head of a bureau having jurisdiction over a group of major divisions or subdivisions.

The annual rates of compensation for positions in this grade shall be $2,400, $2,500, $2,600, $2,700, $2,800, $2,900, and $3,000.

Grade 8 in this service, which may be referred to as the associate administrative grade, shall include all classes of positions the duties of which are to perform, under general supervision, difficult and responsible office work along specialized and technical lines, requiring specialized training and experience and the exercise of independent judgment, or to supervise a large or important office organization engaged in work involving specialized training on the part of the employees.

The annual rates of compensation for positions in this grade shall be $2,700, $2,800, $2,900, $3,000, $3,100, $3,200, and $3,300.

Grade 9 in this service, which may be referred to as the full administrative grade, shall include all classes of positions the duties of which are to perform, under general supervision, exceptionally difficult and responsible office work along specialized and technical lines, requiring considerable specialized training and experience and the exercise of independent judgment, or as chief clerk, to supervise the general business operations of a large independent establishment or a major bureau or division of an executive department, or to supervise a large or important office organization engaged in work involving technical training on the part of the employees.

The annual rates of compensation for positions in this grade shall be $3,000, $3,100, $3,200, $3,300, $3,400, $3,500, and $3,600.

Grade 10 in this service, which may be referred to as the senior administrative grade, shall include all classes of positions the duties of which are to perform, under general supervision, the most difficult and responsible office work along specialized and technical lines, requiring extended training, considerable experience, and the exercise of independent judgment, or to supervise a large or important office organization engaged in work involving considerable technical training and experience on the part of the employees.

The annual rates of compensation for positions in this grade shall be $3,300, $3,400, $3,500, $3,600, $3,700, $3,800, and $3,900.

Grade 11 in this service, which may be referred to as the assistant chief administrative grade, shall include all classes of positions the duties of which are to perform the most difficult and responsible office work along specialized and technical lines, requiring extended training and experience, the exercise of independent judgment, and the assumption of responsibility for results, or to supervise the general business operations of an executive department, or to supervise a large and important office organization engaged in work involving extended training and considerable experience on the part of the employees.

The annual rates of compensation for positions in this grade shall be $3,800, $4,000, $4,200, $4,400, $4,600, $4,800, and $5,000, unless a higher pay is specifically authorized by law.

Grade 12 in this service, which may be referred to as the chief administrative grade, shall include all classes of positions the duties of which are to supervise the design and installation of office systems, methods, and procedures, or to be head of a small bureau in case professional or scientific training is not required or to perform work of similar importance, difficulty, and responsibility.

The annual rates of compensation for positions in this grade shall be $5,200, $5,400, $5,600, $5,800, and $6,000 unless a higher rate is specifically authorized by law.

Grade 13 in this service, which may be referred to as the executive grade, shall include all classes of positions the duties of which are to supervise the design of systems of accounts for use by private corporations subject to regulation by the United States, or to act as the technical consultant to a department head or a commission or board in connection with technical or fiscal matters, or to act as chief of a large bureau or a bureau having important administrative or investigative functions in case professional or scientific training is not required, or to perform work of similar importance, difficulty, and responsibility.

The annual rates of compensation for positions in this grade shall be $6,000, $6,500, $7,000, and $7,500, unless a higher rate is specifically authorized by law.

Grade 14 in this service, which may be referred to as the special executive grade, shall include all classes of positions the duties and requirements of which are more responsible and exacting than those described in grade 13.

The annual rates of compensation for positions in this grade shall be $7,500, unless a higher rate is specifically authorized by law.

CUSTODIAL SERVICE.

The custodial service shall include all classes of positions the duties of which are to supervise or to perform manual work involved in the custody, maintenance, and protection of public buildings, premises, and equipment, the transportation of public officers, employees, or property, and the transmission of official papers.

Grade 1, in this service, which may be referred to as the junior messenger grade, shall include all classes of positions the duties of which are to run errands, to check parcels, or to perform other light manual or mechanical tasks with little or no responsibility.

The annual rates of compensation for positions in this grade shall be $600, $630, $660, $690, $720, $750, and $780.

Grade 2, in this service, which may be referred to as the office-laborer grade, shall include all classes of positions the duties of which are to handle desks, mail sacks, and other heavy objects and to perform similar work ordinarily required of unskilled laborers; to operate elevators; to clean office rooms; or to perform other work of similar character.

The annual rates of compensation for positions in this grade shall be $900, $960, $1,020, $1,080, and $1,140: *Provided*, That charwomen working part time be paid at the rate of 40 cents an hour and head charwomen at the rate of 45 cents an hour.

Grade 3, in this service, which may be referred to as the minor custodial grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, custodial or manual office work with some degree of responsibility, such as guarding office or storage buildings; operating paper-cutting, canceling, envelope-opening, or envelope-sealing machines; firing and keeping up steam in boilers used for heating purposes in office buildings, cleaning boilers, and oiling machinery and related apparatus; operating passenger or freight automobiles; packing goods for shipment; supervising a large group of charwomen; running errands and doing light manual or mechanical tasks with some responsibility; carrying important documents from one office to another; or attending the door and private office of a department head or other public officer.

The annual rates of compensation for positions in this grade shall be $1,020, $1,080, $1,140, $1,200, and $1,260.

Grade 4 in this service, which may be referred to as the undercustodial grade, shall include all classes of positions the duties of which are to perform, under general supervision, custodial work of a responsible character, such as supervising a small force of unskilled laborers; directly supervising a small detachment of watchmen or building guards; firing and keeping up steam in heating apparatus and operating the boilers and other equipment used for heating purposes; or performing general semimechanical new or repair work requiring some skill with hand tools.

The annual rates of compensation for positions in this grade shall be $1,140, $1,200, $1,260, $1,320, $1,380, $1,440, and $1,500.

Grade 5 in this service, which may be referred to as the junior custodial grade, shall include all classes of positions the duties of which are to have general supervision over a small force of watchmen or building guards, or to have direction of a considerable detachment of such employees; to supervise the operation and maintenance of a small heating plant and its auxiliary equipment; or to perform other work of similar character.

The annual rates of compensation for positions in this grade shall be $1,320, $1,380, $1,440, $1,500, $1,560, $1,620, and $1,680.

Grade 6 in this service, which may be referred to as the assistant custodial grade, shall include all classes of positions the duties of which are to assist in the supervision of large forces of watchmen and building guards, or to have general supervision over smaller forces; to supervise a large force of unskilled laborers; to repair office appliances; or to perform other work of similar character.

The annual rates of compensation for positions in this grade shall be $1,500, $1,560, $1,620, $1,680, $1,740, $1,800, and $1,860.

Grade 7 in this service, which may be referred to as the main custodial grade, shall include all classes of positions the duties of which are to supervise the work of skilled mechanics; to supervise the operation and maintenance of a large heating, lighting, and power plant and all auxiliary mechanical and electrical devices and equipment; to have general supervision over large forces of watchmen and building guards; or to perform other work of similar character.

The annual rates of compensation for positions in this grade shall be $1,680, $1,740, $1,800, $1,860, $1,920, $1,980, and $2,040.

Grade 8 in this service, which may be referred to as the senior custodial grade, shall include all classes of positions the duties of which are to direct supervisory and office assistants, mechanics, watchmen, elevator conductors, laborers, janitors, messengers, and other employees engaged in the custody, maintenance, and protection of a small building, or to assist in the direction of such employees when engaged in similar duties in a large building, or to perform other custodial work of equal difficulty and responsibility.

The annual rates of compensation for positions in this grade shall be $1,860, $1,920, $2,000, $2,100, $2,200, $2,300, and $2,400.

Grade 9 in this service, which may be referred to as the principal custodial grade, shall include all classes of positions the duties of which are to direct supervisory and office assistants, mechanics, watchmen, elevator conductors, laborers, janitors, messengers, and other employees engaged in the custody, maintenance, and protection of a large building, or to assist in the direction of such employees when engaged in similar duties in a group of buildings, or to perform other custodial work of equal difficulty and responsibility.

The annual rates of compensation for positions in this grade shall be $2,100, $2,200, $2,300, $2,400, $2,500, $2,600, and $2,700.

Grade 10 in this service, which may be referred to as the chief custodial grade, shall include all classes of positions the duties of which are to direct supervisory and office assistants, mechanics, watchmen, elevator conductors, laborers, janitors, messengers, and other employees engaged in the custody, maintenance, and protection of a group of buildings, or to perform other custodial work of equal difficulty and responsibility.

The annual rates of compensation for positions in this grade shall be $2,400, $2,500, $2,600, $2,700, $2,800, $2,900, and $3,000.

SKILLED TRADES SERVICE.

The skilled trades service shall include all classes of positions the duties of which are to perform, assist in, or supervise apprentice, helper, or journeyman work in a recognized trade or craft.

Grade 1 may be referred to as the apprentice grade, and the compensation for classes of positions in this grade shall be in accordance with the prevailing practice.

Grade 2 may be referred to as the helper grade, and the compensation for classes of positions in this grade shall be in accordance with the prevailing practice.

Grade 3 may be referred to as the journeyman grade, and the compensation for classes of positions in this grade shall be in accordance with the prevailing practice.

Grade 4 may be referred to as the foreman grade, and the compensation for classes of positions in this grade shall be in accordance with the prevailing practice.

Grade 5 may be referred to as the general foreman grade, and the compensation of classes of positions in this grade shall be in accordance with the prevailing practice.

Grade 6 may be referred to as the mechanical supervisor grade, and the compensation of classes of positions in this grade shall be in accordance with the prevailing practice.

COMMON AND SPECIALIZED LABOR SERVICE.

The common and specialized labor service shall include all classes of positions the duties of which are to perform or direct manual work requiring more or less special skill or experience but no knowledge or skill in a trade or craft coming within the skilled trades service.

Grade 1 may be referred to as the common labor grade, and the compensation for classes of positions in this grade shall be in accordance with the prevailing practice.

Grade 2 may be referred to as the specialized labor grade, and the compensation for classes of positions in this grade shall be in accordance with the prevailing practice.

Grade 3 may be referred to as the semiskilled labor grade, and the compensation for classes of positions in this grade shall be in accordance with the prevailing practice.

Grade 4 may be referred to as the labor supervisory grade, and the compensation for classes of positions in this grade shall be in accordance with the prevailing practice.

Where it is provided for any grade of the skilled trades or the common and specialized labor service that the compensation shall be in accordance with the prevailing practice, such practice shall be determined by agreement between the head of the department and a representative of the class affected, in the employment of the Government, such agreement to be subject to the approval of the board. In the event of a failure to agree on such prevailing practice, or in the event of the nonapproval of any agreement reached by the head of the department and the representative of such class, then such prevailing practice shall be determined by the board.

In fixing the rates of pay for employees of the skilled trades or the common and specialized labor service, leave privileges, continuity of employment, payment for holidays and Sundays, and other conditions of employment peculiar to the Government service shall be taken into consideration.

SEC. 14. The rates of compensation fixed in accordance with the provisions of section 4 hereof shall become effective July 1, 1923, and all provisions of existing law fixing or limiting the rates of compensation of the positions covered by the compensation schedules contained in this act are hereby repealed as of that date.

Mr. STERLING. Mr. President, on page 83, line 1, after the word "employment," I move to insert the words "including cost of living."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The READING CLERK. On page 83, line 1, after the word "employment," it is proposed to insert a comma and the words "including cost of living."

Mr. KING. Mr. President, how will the paragraph read then?

The VICE PRESIDENT. The Secretary will read the paragraph as it would read if amended.

The reading clerk read as follows:

In fixing the rates of pay for employees of the skilled trades or the common and specialized labor service, leave privileges, continuity of employment, payment for holidays and Sundays, and other conditions of employment, including cost of living, peculiar to the Government service shall be taken into consideration.

The amendment to the amendment was agreed to.

Mr. JONES of New Mexico. Mr. President, I should like to call the attention of the Senator from South Dakota to rule 5, which we were discussing some little time ago, and inquire if he is not willing to accept the provision which passed the House. It is on page 43, at the top of the page—paragraph 5 of section 6.

The House had a provision there which is precisely in keeping with my thought on the subject. The House provision can be found on page 6, paragraph 5, beginning at line 9. If the Senator from South Dakota will agree to that, it will save time. Otherwise, I should feel like asking for the presence of a quorum, so that the Senate might understand the situation.

Mr. SMOOT. Mr. President, I just want to call the Senator's attention to the reason why this wording was put in the Senate bill in preference to that of the House.

After making an examination of the employees who would be affected by paragraph 5 on page 43 we found that most of those who would be affected were old soldiers who were in the Government service, and we really felt that we did not want to change the compensation received to-day by those old men. I do not say that those soldiers are the only employees that will be affected; there may be some older people in the service, but I think the wording of this provision that we have is the best possible wording that could be devised to take care of the situation that exists to-day in the District of Columbia.

If this applied to the field service—and there is where the great bulk of the Government employees are—then I should say that the Senator from New Mexico was right, and I think whenever the field service is taken in the provision of the House bill is the provision that will apply and that should apply, but I thought it was rather unfortunate——

Mr. JONES of New Mexico. Mr. President, it is quite apparent that we are not going to come to an agreement regarding this amendment; but before calling for a quorum, and in the presence of those who are here now, I want to say that with about 75 or 80 people working for a year under the classification commission, of which I was chairman, we investigated the subject to which the Senator from Utah now refers, and we did not find the state of facts which he has just stated.

Mr. MOSES. Mr. President, may I ask the Senator from New Mexico exactly what he meant by his earlier statement? Does he mean that this paragraph No. 5 contains the idea which he had in mind for legislation, or that this notion of reducing the compensation of these employees is repugnant to him? I probably was not paying sufficiently close attention to what the Senator said at the outset of his remarks.

Mr. JONES of New Mexico. I am sorry to say that I am sure the Senator from New Hampshire did not hear my former statement at all, because I made it about an hour and a half ago, when the Senator was not in the Chamber.

Mr. MOSES. I did not hear the statement; I was not in the Chamber then, Mr. President.

Mr. SMOOT. Mr. President, may I say to the Senator that as far as I am personally concerned, and other members of the committee, I have no objection at all to that provision; in fact, I insisted upon it, as the Senator from South Dakota knows.

Mr. MOSES. Does the Senator from Utah mean paragraph 5 on page 6?

Mr. JONES of New Mexico. Paragraph 5, on page 6, should be inserted for paragraph 5 on page 43.

Mr. MOSES. Is there an issue of fact here between the Senator from New Mexico and the Senator from Utah?

Mr. SMOOT. No.

Mr. MOSES. I want to get this clear in my own mind if I have to vote on an amendment offered by the Senator from New Mexico. The Senator from Utah, as I understand, points out that the employees affected by this provision are chiefly veterans of the Civil War.

Mr. SMOOT. And I will say to the Senator that there are only a very few of those. The Senator was right as to the employees generally; but some of the old soldiers did take the civil-service examination, and they have been kept in the service, and perhaps——

Mr. MOSES. How about the application of the retirement act to these men?

Mr. SMOOT. That is what I say; that will come into effect; but there are quite a number of them that have asked that they be kept on until the two-year period, amounting to four years in all, has elapsed. It can not amount to more than a year or two at most.

Mr. MOSES. Yes; but of course I assume that the Senator from New Mexico does not want paragraphs in legislation of this character, which is designed to be permanent legislation, drawn to affect a small, selected group of people who can receive the benefits of the legislation only through a limited period of time.

Mr. JONES of New Mexico. I do not believe the Senator understands the provisions of this bill, Mr. President. I move, on page 43, to strike out paragraph 5 as it appears in the amendment reported by the committee and to insert in lieu thereof paragraph 5 as it appears in the House bill on page 6, without the strike-out.

Mr. McKELLAR. What page is that?

Mr. JONES of New Mexico. Page 43.

Mr. STERLING. It will be the corresponding rule in the House bill.

Mr. JONES of New Mexico. Yes. I move that the corresponding provision which passed the House be inserted instead of that reported by the Senate committee.

Mr. MOSES. Will the Senator yield to me a moment? I am very much gratified to see the interest that is being manifested in this proposal by the Senator from Tennessee [Mr. McKELLAR], because the Senator from Tennessee, who sat with the Senator from South Dakota and other Members of the Senate and the House on the commission of which I was a member to reclassify the salaries in the Postal Service, took exactly the position which is taken in paragraph 5, on page 43. The Senator from South Dakota and the Senator from Tennessee will corroborate me in the statement that we did not undertake to do any injustice to anybody anywhere in the Postal Service by reduction of salaries. Now I understand that the Senator from New Mexico wishes to insert in this bill—a bill whose central purpose is to increase salaries, and therefore to ameliorate the condition of civil-service employees—a provision which, if I understand it, will probably work a hardship on a considerable group of people within the civil service, a group who should have our utmost consideration, having been described by the Senator from Utah, who probably knows as much about the civil service as any Member of this body, as a group made up almost wholly of veterans of the Civil War. If I misinterpret the purpose of the Senator from New Mexico in what he is attempting to do to the bill now, I hope that he will clarify my judgment on the subject.

Mr. McKELLAR. Mr. President, my attention was temporarily diverted to something else, but I should like to have an explanation. What is the provision that is referred to?

Mr. SMOOT. It is on page 43.

Mr. McKELLAR. What section?

Mr. SMOOT. Section 5, at the beginning of the page.

Mr. JONES of New Mexico. Mr. President, I can explain the matter to the Senate in just a few words; but if there is to be any contest about it, I prefer that we get a quorum here so that the Senate may understand what is going on.

Mr. MOSES. Mr. President, it is perfectly within the province of the Senator from New Mexico to suggest the absence of a quorum.

Mr. JONES of New Mexico. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Gerry	Lenroot	Robinson
Bayard	Glass	Lodge	Sheppard
Borah	Gooding	McCumber	Shortridge
Brandegee	Hale	McKellar	Smith
Brookhart	Harris	McKinley	Smoot
Broussard	Harrison	McNary	Stanfield
Bursum	Heflin	Moses	Sterling
Capper	Johnson	New	Sutherland
Colt	Jones, N. Mex.	Norris	Swanson
Curtis	Jones, Wash.	Oddie	Wadsworth
Dial	Kellogg	Overman	Walsh, Mont.
Dillingham	Kendrick	Owen	Warren
Edge	Keyes	Page	Watson
Ernst	King	Phipps	Weller
Frelinghuysen	Ladd	Ransdell	Willis
George	La Follette	Reed, Pa.	

The VICE PRESIDENT. Sixty-three Senators having answered to their names, a quorum is present. The question is on agreeing to the amendment offered by the Senator from New Mexico.

Mr. MOSES. Let the amendment be stated.

Mr. JONES of New Mexico obtained the floor.

Mr. McKELLAR. May we have order while we listen to what the Senator from New Mexico has to say?

Mr. JONES of New Mexico. Mr. President, I asked for a call of the Senate for the reason that I think we have before us a question of very considerable importance. It is easily understood, however, and I think the Senate will bear with me in making a short statement.

In 1919 Congress established a joint commission for the purpose of providing a plan for the reclassification of the civilian employees in the District of Columbia. I was chairman of that commission. We had a number of experts and other people employed to assist us in that work. It continued for about a year, and we made a most thorough investigation of the situation regarding the compensation of the employees in the District.

We found this situation to exist: In one case there was a man doing a certain job getting $2,000 a year. Immediately by his side another man, doing precisely the same kind of work, and no better, was getting $4,000.

Mr. MOSES. Of course, that condition of affairs existed before any sort of classification had been attempted in the Government service.

Mr. SMOOT. Before there was any allocation at all.

Mr. JONES of New Mexico. Certainly. That was in 1919, when we started in.

Mr. STERLING. Further, that was due then largely to war conditions. There was a rush to get things done.

Mr. JONES of New Mexico. It was during war times, and it came about by reason of the conditions which prevailed during the war, to a very great extent.

Mr. MOSES. May I interrupt the Senator once more?

Mr. JONES of New Mexico. In just a moment. The way it came about was this: Each department of the Government was struggling to get assistance and help in the organization of new bureaus, and as we made appropriations for the organization of new bureaus we did not undertake to classify the employees who should be engaged, but we gave lump-sum appropriations, and that had the result, largely, to which I have just referred, and there was absolute discrimination. As I said, salaries varied from $2,000 to $4,000 for precisely the same kind of work.

There were thousands of cases where the variation was great, but not so great as I have indicated in the illustration which I gave awhile ago. Now I yield to the Senator from New Hampshire.

Mr. MOSES. Mr. President, I am very glad the Senator has brought out what he has, because it bears directly upon the question I intended to propound to him. He has pointed out with emphasis the evil of lump-sum appropriations by showing clearly to the Senate and to the country that under that system we had two sets of employees doing exactly the same character of work, in most cases doing the same work side by side in the same room, often at adjoining desks, one paid under a statutory provision and the other paid out of a lump-sum appropriation, where the latter salary was fixed by the whim of the superior officer, to the discredit of the service, to the production of inefficiency in the service, as I believe, and absolutely to the ravishment of the Treasury in most instances. I am very glad the Senator has brought that out.

Mr. JONES of New Mexico. I thank the Senator from New Hampshire for his contribution to this discussion. It is for the purpose of doing away with that very sort of thing that this legislation is proposed.

The question immediately before the Senate is, What are we going to do with the present employees? Under this bill there is established, in the first place, a service, which is a very broad division of public employment, and that service is divided into various grades. In one service there are as many as 13 different grades. Within each grade are various classes. The compensation for the various grades varies in a very substantial degree. There are as many as eight or nine different amounts of compensation within the same grade. It is specified in this bill that these employees shall be allocated to certain classes of certain grades by a board established by this bill.

Mr. MOSES. Mr. President——

Mr. JONES of New Mexico. Just a moment. There are some people in the Government service to-day who are receiving compensation which is higher than the highest rate provided in this bill for the highest class within a grade; and the question is, What are we going to do with those who are now engaged in a job and who are getting compensation higher than the highest rate provided for in this bill?

My proposition is to let them have the highest rates provided for in the grade, and in that way you get them at least within certain bounds. There are some people to-day, for instance, getting $4,000 a year in a position which is worth only $2,000 a year, and the man holding such a position can keep that place for life at $4,000 a year, while everybody around him and everybody who comes in the service hereafter will have to sit by his side and get $2,000 a year.

Mr. MOSES. Mr. President, may I ask the Senator if he understands the purpose of this bill is to continue at their present salaries all these lump-sum employees?

Mr. JONES of New Mexico. If the Senator will read the paragraph on page 43——

Mr. MOSES. I have just read it.

Mr. JONES of New Mexico. It does precisely that thing.

Mr. MOSES. Am I to understand that this bill makes no discrimination whatever between those civil-service employees who hold their positions by statute, under a fixed appropriation, where there is a limited number of employees to whom that appropriation can be paid, where merely the multiplication table is applied to an item in an appropriation bill, and those people who are paid out of a lump-sum appropriation, paid, as I have recently said, at the whim or caprice, or through the favor, of a superior officer? Will the former class be put upon exactly the same basis under this bill with the latter class, who receive the high salary through some good fortune, to be carried over into a civil-service classification which will give them those positions and those salaries for the balance of their natural lives?

Mr. JONES of New Mexico. I mean precisely that, if I understand the bill, and I may call attention to the language of the bill. I read from page 38, if the Senator from New Hampshire will give me his attention, where it is provided—

> The term "employee" means any person temporarily or permanently in a position.

It is those people we are undertaking to fix compensation for in this bill, and under this paragraph 5, at the top of page 43, the salary of a single one of them can not be reduced.

Mr. SMOOT. Will the Senator yield?

Mr. MOSES. I understand the Senator intends presently to offer his amendment in a modified form?

Mr. JONES of New Mexico. Yes.

Mr. MOSES. With a view of preventing an injustice being done to this limited class of employees, whom the Senator from Utah describes as the veterans of the Civil War and their widows, but that does not go to the root of the evil which the Senator from New Mexico has been describing. That will not cure the evil at all. The modification which the Senator from New Mexico has in mind to make to the amendment which he originally proposed will have to be broadened so that these lump-sum employees can not secure all these permanent benefits from the legislation, which the Senator from New Mexico thinks will apply to them, and which he has convinced me will apply to them.

Mr. JONES of New Mexico. Mr. President, I may say that these lump-sum employees, under my proposal, will not retain their present compensation, unless it be low enough to come within the grade fixed in the bill.

Mr. MOSES. Let me ask the Senator if he has reported his amendment in its perfected form?

Mr. JONES of New Mexico. I have not. I have not had an opportunity yet to do that.

Mr. MOSES. I beg the Senator's pardon. I was addressing myself to the amendment which he originally proposed, and which I understood was to be modified with reference to veterans of the Civil War.

Mr. JONES of New Mexico. That is true.

Mr. MOSES. What I want to get at is whether, when he has perfected his amendment, as he has in mind to do, it then will be effective over the whole field of civil-service employees, whether they are paid from a statutory roll or whether they are paid from a lump-sum appropriation?

Mr. JONES of New Mexico. It will.

Mr. SMOOT. Mr. President, just for the RECORD, if the Senator will yield, so that Senators may know the situation, every employee in the District of Columbia has been classified and allocated to one of the grades within whatever class he or she may fall. No employee in the field has been classified, and this bill does not cover the field service. It could not cover the field service because of the fact that it will take nearly two years to classify and allocate the field service.

Mr. MOSES. May I ask the Senator a question at that point?

Mr. SMOOT. Yes.

Mr. MOSES. Does the Senator intend to give the impression to the Senate that every individual now borne upon the Government pay roll in the District of Columbia has been allocated within one of the various classifications set up by this bill, not that they have been allocated by grades and in groups but that every individual has been allocated "in his own proper person," if I may use the language with which President Wilson signed the treaty of Versailles?

Mr. SMOOT. I will say to the Senator that every employee in the District of Columbia, under the order of the President of the United States, through the Bureau of Efficiency, has been classified.

Mr. MOSES. By name?

Mr. SMOOT. By name. I have handled thousands and tens of thousands of the returns, and they will be allocated to whatever places the classification provided in this bill carries them.

The classifications in grades in the bill cover every employee in the District and he will naturally fall just where his examination would take him. I think that the amendment of the Senator from New Mexico is absolutely just. As I said, the only reason why a change was made was to take care of a very few people whom we thought ought to be taken care of. Now, the Senator in accepting that as to veterans and widows of the Civil War, I hope his amendment will be agreed to in place of paragraph 5, on page 43, as now worded.

Mr. JONES of New Mexico. I have the amendment ready. On page 43, in line 1, after the numeral "5" strike out the remainder of the paragraph and insert the following:

> If the employee is not a veteran of the Civil War or a widow of such veteran, and is receiving compensation in excess of the range of salary prescribed for the appropriate grades, the compensation shall be reduced to the rate within the grade nearest the present compensation.

Mr. MOSES. That, of course, means the highest rate?

Mr. SMOOT. That would be the highest rate within the grade.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 43, line 1, strike out all after the numeral "5" and the period, down to and including the word "compensation" in line 4, and insert in lieu thereof the following:

> If the employee is not a veteran of the Civil War or a widow of such veteran, and is receiving compensation in excess of the range of salary prescribed for the appropriate grades, the compensation shall be reduced to the rate within the grade nearest the present compensation.

Mr. STERLING. The amendment is to strike out and insert?

Mr. JONES of New Mexico. Yes; to strike out all after the numeral "5" in the first four lines, and insert the amendment that has just been read.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. McKELLAR. Mr. President, I desire to call the attention of the chairman of the committee to the language at the bottom of page 44, as follows:

> Reductions in compensation and dismissals shall be made by heads of departments in all cases whenever the efficiency ratings warrant, as provided herein, subject to the approval of the board.

Does that give the heads of departments carte blanche to dismiss employees at will? Just what is the effect of it? I do not know what is the effect of it and I would like to have the Senator explain it.

Mr. STERLING. The law governs the matter of dismissal. The law of 1912 provides that there shall be no dismissal by the head of a department without notice to the employee.

Mr. McKELLAR. Would not this provision repeal that law?

Mr. STERLING. Oh, no; it would not repeal the law.

Mr. SMOOT. I want to call the Senator's attention to another matter so that he can see that it does not repeal the law. In line 13, page 44——

Mr. McKELLAR. I have that language before me.

Mr. SMOOT. The Senator will notice it is provided that—

The board shall have powers of review and revision over uniform systems of efficiency rating established for the various grades or classes thereof * * * (d) dismissal.)

So any employee dismissed has the right to take the matter to the board for review and revision.

Mr. McKELLAR. I recall the law of 1912 provided that a civil-service employee should have the right of trial before dismissal.

Mr. STERLING. Oh, not the right to trial. He has a right to notice and a right to make an answer.

Mr. McKELLAR. To make answer to charges filed against him.

Mr. STERLING. If he chooses, but there is no trial, and the law provides that there shall be no trial.

Mr. McKELLAR. It is not exactly a trial, but at the same time he has to be heard before dismissal. According to the language in the bill, the head of the department is given the absolute right to dismiss an employee for inefficiency at any time he sees fit, and then the employee may appeal to the board. That is about the substance of it.

Mr. SMOOT. But the Senator has not read the balance of the paragraph.

Mr. McKELLAR. Oh, yes; I have. It says, "subject to the approval of the board."

Mr. SMOOT. Yes; that is right.

Mr. McKELLAR. Under that language is it meant that the employee shall be dismissed before the board takes up the matter, or has the head of the department got to have the approval of the board before the dismissal of an employee? It seems to me he ought to have the approval of the board first.

Mr. STERLING. I think under the plain language of the paragraph there can be no dismissal without the approval of the board. That is what it means.

Mr. McKELLAR. I think that is the proper construction of it, but I think, too, that we ought to be perfectly clear about it and that it should read: "Subject first to the approval of the board." Then we would have it exactly as the Senator said he intends it to be. Then there could be no dispute about it.

Mr. STERLING. An employee would not be dismissed until the board approved the order.

Mr. NORRIS. There might be cases where a dismissal ought to take place immediately. There will be cases where a removal ought to be made instanter. Something may happen to an employee where there must be a removal before there can be a trial. Somebody must have authority to do that. I take it that it could be done under this language. But after that is done, there should then be a hearing and a full opportunity given to the person discharged, and that would mean, as I understand it, that before it could become permanent and be a real removal, the board would have to approve the act.

Mr. SMOOT. If the Senator will read section 9, he will see that there is where the power is given:

That the board shall have powers of review and revision over uniform systems of efficiency rating established for the various grades or classes thereof, which shall set forth the degree of efficiency which shall constitute ground for (a) increase in the rate of compensation * * *, (c) decrease in the rate of compensation * * *, and (d) dismissal.

So they have that power even of dismissal by review and reduction.

Mr. NORRIS. Of course, that power must exist somewhere. I think we must all admit that.

Mr. McKELLAR. I call attention to the words at the top of page 45 "as provided therein." Of course, that evidently refers to section 9.

Mr. SMOOT. That has reference to the rate of efficiency. The language at the top of the page has reference to that matter.

Mr. McKELLAR. I think it would be very much wiser to have it the other way. However, it is the consensus of opinion that the employees are to have trial by the board, and if that is the understanding of everybody there is no use pursuing it any further.

Mr. STERLING. Let me say to the Senator from Tennessee that if this had been confined to dismissals alone there would have been no need for the paragraph, because that matter is governed by the law and must be upon notice. But it relates to reductions in compensation also, and we did not want it provided that there should be a reduction in compensation without the approval of the board.

Mr. McKELLAR. What is in my mind could be very easily arranged by striking out the language "subject to the approval of the board," and saying instead, "having first obtained the approval of the board."

Mr. SMOOT. That is the same as "subject to the approval of the board."

Mr. McKELLAR. Under this language summary action could be had and then the employee would have to go before the board and make his own fight. In the other case, the head of the department could go before the board and submit the matter and then have the employee discharged or his salary reduced. I think that would be nothing more than fair.

Mr. SMOOT. It provides that "dismissals shall be made by heads of departments in all cases whenever the efficiency ratings warrant, as provided herein, subject to the approval of the board."

Mr. McKELLAR. If that were made to read "subject first to the approval of the board," it would be all right according to my view.

Mr. MOSES. The trial is on appeal. I understand there is going to be some summary decision rendered by the head of the department. No hearings will be had until after appeal. The deficiency rating having been sufficient in the judgment of the head of the department to warrant a reduction or a dismissal, the reduction or dismissal takes place summarily. The victim may then take an appeal.

Mr. McKELLAR. That is contrary to the law of 1912 under which, up to this time, as I recall, is what was done. An employee could be summarily dismissed. But there was some resolution passed, or some law enacted since 1912 which changed that to some extent. Has the Senator that before him?

Mr. MOSES. I understand the Senator from South Dakota in his opening statement with reference to the bill, which, unfortunately, I did not hear completely, adverted to those statutes which are abrogated by the provisions of the bill. In a conversation I have just had with him I gained the impression that the abrogation of those statutes was had under section 9 of the bill, with a good deal of deliberation on the part of the conferees on the measure.

Mr. STERLING. The Senator from New Hampshire has the wrong idea as to the statutes to which I referred. I referred to one statute of 1907 and another of 1917 relating to transfers and relating to promotions. Those are repealed by the provisions of the bill. They do not refer to dismissals at all. The law of 1912 is still the law, and is not repealed by any provision of the pending bill.

Mr. MOSES. Is it affected in any way by it?

Mr. STERLING. I do not think so. As to dismissals referred to in the bill, they must be governed by the provisions of the law, as follows:

No person in the classified civil service of the United States shall be removed therefrom except for such cause as will promote the efficiency of said service and for reasons given in writing.

"For dismissal" relates to lack of efficiency in the service, and there may be dismissal for that cause.

As will promote the efficiency of said service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and charges preferred against him.

Then the removal must be had according to the bill.

Mr. MOSES. Just what is the modus operandi of dismissal or reduction under the provision of section 9, beginning with line 23, page 44, and continuing to line 2, on page 45? Does it mean that after the efficiency rating has been discovered to be of such a character as to warrant reduction or dismissal the employee shall be served with a notice reciting those facts and shall be then reduced or dismissed, or will he then be permitted to take an appeal to the board and finally to the President, if I interpret the bill correctly, prior to having been reduced or dismissed? In other words, does the employee retain his status after the notice has been served upon him until it has finally been passed upon by the board or ultimately by the President?

Mr. STERLING. I will say to the Senator from New Hampshire that I think it means that in case of the proposed dismissal or reduction of the salary of the employee there must be the approval of the board to the contemplated reduction or to the contemplated dismissal, and then notice of the contemplated reduction or dismissal must be served upon the employee.

Mr. MOSES. What right will the employee have in the interval?

Mr. STERLING. What right will he have?

Mr. MOSES. And further, as the Senator from Wisconsin suggests, what will be the status of the employee? Does the employee continue in his existing grade at his existing salary or has he gone out of the service or is he permitted in the

interval to go to the board with his appeal before the final judgment is rendered; or does the board, having established the ratings and having taken them to the head of the department, do all that without the knowledge of the implicated employee?

Mr. STERLING. I think the status of the employee is that of an employee in the service until a final order of removal is issued after the proceedings required by law; after the approval of the board in the first instance, and then the subsequent proceedings.

Mr. McKELLAR. With that understanding, I am entirely satisfied.

Mr. MOSES. But, even so, Mr. President, what is the situation of the employee? The board would have made his ratings in the meantime.

Mr. McKELLAR. He is in the employ of the Government.

Mr. MOSES. He is in the employ of the Government, yes, until the board has approved his reduction or his dismissal; but the board and the head of the department may have acted all the time without the knowledge of the employee and the employee have had no occasion to present his case until a final decision has been rendered on it.

Mr. McKELLAR. But the old law has not been repealed. The employee has to be served with notice.

Mr. MOSES. The old statute of 1912 has not been repealed, but the clear implication of the statute as now read to us is a modification, a dilution of the rights of the employee under that earlier statute.

Mr. McKELLAR. That is why I called the attention of the Senator in charge of the bill to that paragraph.

Mr. MOSES. The Senator from Tennessee may think what the Senator from South Dakota has said about this language is adequate to protect the rights of the employee.

Mr. McKELLAR. I hope it is, but if it is not I hope some amendment will be offered which will protect the employee.

Mr. MOSES. If the Senator from South Dakota, who has the floor, will permit me, I will say that the Senator from Tennessee understands perfectly well that an assertion made here on the floor of the Senate by a Senator in charge of a bill is not necessarily a binding interpretation of the language of the statute.

Mr. McKELLAR. Of course not.

Mr. MOSES. And if there is any question here with reference to the status of these employees during the time when their efficiency record is under scrutiny, possibly with the purpose of reduction or dismissal, the language of the measure should be made explicit in that regard.

Mr. McKELLAR. That is why I suggested the insertion of the words "subject first to the approval of the board." That would make the meaning of the language plain beyond the shadow of a doubt.

Mr. MOSES. Now, just what is the suggestion of the Senator from Tennessee?

Mr. McKELLAR. That on line 1, page 45——

Mr. STERLING. Mr. President, if the Senators will permit me——

Mr. MOSES. The Senator from South Dakota has the floor.

Mr. STERLING. I believe I can make this plain by reading the language of section 9 of the bill.

Mr. KING. Mr. President, if the Senator from South Dakota will permit an inquiry, he may answer my question at the same time, because I am sure the suggestion he is about to make will be in answer to at least some of the points which are in my mind.

First, I desire to ask the Senator whether, under the bill as it is now before us, it would be more easy than at present to get rid of or to reduce an employee under the civil service within the District of Columbia, and, secondly, does it give greater protection to inefficient and incompetent employees and make more difficult their reduction or their expulsion from the service?

Mr. STERLING. I do not think it does. I think the present law and procedure in that respect are substantially the same as proposed under this bill.

Let me read section 9 and Senators will then see that it does not provide for an order of dismissal at all, but the purpose of the efficiency rating is to ascertain whether there is ground for promotion or advancement; whether there is ground for leaving the employee in his present status; whether there is ground for demotion; or whether there is ground for his dismissal. It does not provide that there shall be an order of dismissal. The bill reads:

SEC. 9. That the board shall have powers of review and revision over uniform systems of efficiency rating established for the various grades or classes thereof, which shall set forth the degree of efficiency which shall constitute ground for (a) increase in the rate of compensation for employees who have not attained the maximum rate of the class to which their positions are allocated, (b) continuance at the existing rate of compensation without increase or decrease, (c) decrease in the rate of compensation for employees who at the time are above the minimum rate for the class to which their positions are allocated, and (d) dismissal.

Just follow that word "ground" as the antecedent all the way through before these various subdivisions, and Senators will understand it.

If the board shall find that there is ground for dismissal, then the employee will receive notice. Of course, there will have to be first the approval or the disapproval of the board. If the board approves of the contemplated order of dismissal, notice will be given to the employee, and he will have his chance to be heard.

Mr. MOSES. Let me ask the Senator a question in view of what he has said. Assuming absolutely that underlying all action under this section is the "ground" upon which action shall be taken, will the Senator take a typical case and go forward with it and show to the Senate exactly what would happen to John Smith, let us say, who is a $1,800 a year clerk? He is being rated, his rating being made by the head of the department in accordance with a certain system. The rating is to be open to the inspection of John Smith, who is affected by it, under conditions to be determined by the board after consultation with the department head. John Smith might have a feeling that his rating for some personal or other reason was not such as he was entitled to, for we all know, Mr. President, that such sentiments exist in the minds of Government employees in Washington; that there are many clerks who feel that the chief of the division or the head of a bureau or their immediate superior officer is hostile and unfriendly or desires to bring about a demotion or otherwise to get rid of an individual employee. Under those conditions John Smith, having that feeling, finds that he can have access to his current ratings, which are being made for him day by day as he goes on with his work in the Government service, but he may not find out how he is carried on the official roll of the Government except under conditions which a hostile head of the department may have made for him.

If I am not stating the successive steps in a typical case accurately I hope the Senator from South Dakota will correct me as I undertake to enumerate them; but that much we do know, that the rating of John Smith is going to be made from day to day as he goes on with his work in the department in Washington, and that rating is recorded, and that he may have access to it under conditions which are prescribed by the board after consultation with the department head. He may have great difficulty in getting access to his record, but nevertheless there the record is, and his rating is made upon that record. His rating having been made upon a record kept in such fashion and accessible in the manner in which I have described, John Smith suddenly learns that on the basis of the rating—for the language is "in all cases whenever the efficiency ratings warrant, as provided herein"; that is to say, I assume, as provided in section 9—John Smith suddenly receives notice that he is reduced or that he is dismissed. Now, what is his remedy?

Mr. STERLING. Let me go over the case supposed by the Senator from New Hampshire.

Mr. MOSES. The case is that of John Smith.

Mr. STERLING. Yes. In the first place, John Smith has access to his efficiency rating.

Mr. JONES of New Mexico. He has if those over him will allow him to have such access.

Mr. STERLING. Wait a moment. I presume we have a right to assume—that is a presumption of law—that officials will do their duty, and that they will, as the law requires, allow John Smith to examine his efficiency rating to see where he stands.

But in the event they should not do so, in the event they themselves should violate the spirit of the law, John Smith is not without his remedy. After what has been ascertained through the efficiency rating which the records show John Smith attained—and it may be wrong—will come the contemplated order of the head of the department for the purpose of dismissing John Smith, subject to the approval of the board.

Mr. MOSES. But John is out before the board could get to him.

Mr. STERLING. No; he is not out. I do not concede that he is out. He is not out until the order of dismissal is finally issued, and that time has not as yet arrived. He is not dismissed when it is found that his efficiency rating does not come up to the mark; he is not dismissed until the order is made, and the order can only come after the processes fixed by the statute itself and after the proceedings prescribed by the statute.

Mr. McKELLAR. Mr. President, will the Senator yield to me that I may offer an amendment intended to clarify the meaning?

Mr. STERLING. Yes.

Mr. McKELLAR. I offer an amendment, to come in on line 2, on page 45, to strike out the period——

Mr. MOSES. Let me ask the Senator not to offer the amendment formally; we may desire to perfect the text to some extent.

Mr. McKELLAR. Very well; I am perfectly willing. The amendment which I desire to propose, however, is to strike out the period and insert in lieu thereof a colon and the following proviso:

Provided, That no employee shall be reduced or dismissed without the notice and hearing before the board and without the approval of the board.

Mr. STERLING. Where would the Senator from Tennessee insert that amendment?

Mr. McKELLAR. In line 2, on page 45. The amendment provides exactly what I understand the Senator has argued is provided for in this section. If so, let us make it perfectly plain, so that it may not be misunderstood.

Mr. MOSES. I did not understand the Senator from South Dakota to maintain that. The Senator from South Dakota, if I understood him correctly, maintained that section 9 of this act, read in conjunction with the act of 1912, would so provide.

Mr. STERLING. Certainly.

Mr. McKELLAR. In conjunction with the law.

Mr. MOSES. But the suggestion of the Senator from Tennessee makes it perfectly clear in this act what is the intention of its framers.

Mr. STERLING. In view of the law of 1912 and the language of the bill itself, I see no necessity for the amendment suggested by the Senator from Tennessee.

Mr. MOSES. What harm could come from it?

Mr. McKELLAR. In order to relieve the situation, why can we not adopt such an amendment?

Mr. STERLING. Will the Senator state the language of his amendment again?

Mr. McKELLAR. If the Secretary has it, I will ask him to read it.

The ASSISTANT SECRETARY. On page 45, at the end of line 2, it is proposed to strike out the period and insert a colon and the following proviso:

Provided, That no employee shall be reduced or dismissed without due notice and hearing before the board and without the approval of the board.

Mr. STERLING. I would say "reduced in compensation."

Mr. McKELLAR. "Reduced in compensation"—that will be entirely satisfactory.

Mr. MOSES. Does reduction in compensation mean exactly the same thing as reduction in grade under this act?

Mr. McKELLAR. Yes; that might have that effect—"in compensation or grade."

Mr. NORRIS. Mr. President, before the Senator from South Dakota agrees to that, I want to ascertain whether that would not lead us into difficulties. As I said awhile ago, there might be a case where a dismissal must take place instanter. Suppose you had a clerk who was handling money, for instance, and the head of the department learned that he was defrauding the Government by taking the money, stealing it.

Mr. McKELLAR. He would be arrested at once.

Mr. NORRIS. Yes; but it seems to me that in a case of that kind, where immediate action was necessary, somebody ought to have authority to take that action, but with a proviso that the employee should be immediately heard upon the proposition; in other words, that somebody ought to have a right to suspend the employee at least while the trial is going on.

I want everyone to have a trial. I do not think employees ought to be finally separated from the service without it. They ought to be confronted with the witnesses against them, and they ought to be given an opportunity to examine the charges and defend themselves properly, but it seems to me that there must be of necessity cases occasionally arising where summary action is necessary. I do not care whether we call that dismissal or whether we call it suspension, or something of that kind, but we ought not to put in a provision here that would make it necessary, if a man were charged with some such offense as I have indicated, for him to be retained in his position while they were going through the formality of trying him.

Mr. STERLING. Mr. President, I am afraid that in order to carry out the thought suggested by the Senator from Nebraska the departments would be engaged all the time in holding trials, so far as that is concerned, if there was a right view of what the Senator from Nebraska calls a trial—a regular trial.

Mr. NORRIS. When I speak of a trial I have reference to the hearing provided for in the bill.

Mr. STERLING. Yes.

Mr. NORRIS. As I understand, that is already provided for. I do not want to deprive anybody of it, but I can realize that occasions might arise where, for the good of the service, summary action would be demanded.

Mr. STERLING. Yes. Let me read the language of section 6 of the law of 1912:

That no person in the classified civil service of the United States shall be removed therefrom except for such cause as will promote the efficiency of said service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him, and be furnished with a copy thereof, and also be allowed a reasonable time for personally answering the same in writing, and affidavits in support thereof, but no examination of witnesses nor any trial or hearing shall be required except in the discretion of the officer making the removal.

Mr. President, I think that is as far as we can go in the Government service. I think it would utterly disrupt the service if we were to have what might be termed anything in the way of a formal trial in every case.

Mr. NORRIS. The Senator from South Dakota has not understood what I said. I was trying to impress upon the mind of the Senator from South Dakota that before he accepted this amendment it seemed to me he ought to be sure that he was not making it impossible for some official to take summary action while the trial was in progress.

Mr. STERLING. The Senator from South Dakota believes that the employees' rights are fully protected by the provisions of the bill and by the law of 1912; and I do not think I can accept the amendment of the Senator from Tennessee.

The PRESIDING OFFICER (Mr. REED of Pennsylvania in the chair). The question is on the amendment of the Senator from Tennessee to the committee amendment, which will be stated.

The ASSISTANT SECRETARY. On page 45, line 2, after the word "board," it is proposed to insert a colon and the following proviso:

Provided, That no employee shall be reduced in compensation or grade or be dismissed without due notice and hearing before the board and without approval of the board.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee to the committee amendment. [Putting the question:] The "noes" have it; and the amendment to the amendment is rejected.

Mr. MOSES and Mr. McKELLAR called for a division.

On a division, the amendment to the amendment was rejected.

Mr. NORRIS. Mr. President, I want to offer an amendment to the committee amendment. I presume when the Chair says "the committee amendment" he refers to the entire substitute?

The PRESIDING OFFICER. He does.

Mr. NORRIS. Therefore I can offer an amendment to any part of it?

The PRESIDING OFFICER. The Senator can.

Mr. NORRIS. I send the amendment to the desk and ask to have it read.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. On page 80 it is proposed to strike out all after line 16, to and including line 2 on page 83, and in lieu thereof to insert the following:

Provided, That none of the provisions of this act shall include or apply to the skilled trades service, which shall include all classes of positions the duties of which are to perform, assist in, or supervise, apprentice, helper, or journeyman work in a recognized trade or craft; or the common and specialized labor service not otherwise specially provided for, which shall include all classes of positions the duties of which are to perform or direct manual work requiring more or less special skill or experience, but no knowledge or skill in a trade or craft coming within the skilled trades service: *Provided further*, That all employees excluded from the provisions of this act and who received the $240 bonus during any portion of the fiscal year ending June 30, 1923, shall on July 1, 1923, receive an increase at the rate of $240 per annum in addition to their present base pay.

Mr. NORRIS. Mr. President, the latter clause, as I understand, is, as a matter of fact, no increase.

Mr. SMOOT. Mr. President, is not the Senator mistaken in that?

Mr. NORRIS. I understand not.

Mr. SMOOT. That is one of the things that we had up here before when an effort was made to give these employees $240 a year over and above the rates paid for the same class of service in private institutions. Their salaries are based upon existing law, which provides that they shall be paid the amount which is paid in like industries in the vicinity in which the labor is performed. This is only another scheme for adding $240 a year to their employment.

Mr. NORRIS. No; at least, that is not my intention.

Mr. SMOOT. I do not say that that is the Senator's intention.

Mr. NORRIS. My understanding is that as a matter of fact it makes no increase, because these people would have the bonus. They are excluded from this bill. If this bill is passed no bonus bill will be passed, and consequently those who are excluded from this bill, with no bonus bill passed, would get no bonus, and there would be a reduction in their salaries by $240 a year. If we should pass the bonus bill and this bill, too—which nobody intends to do—then there would be an increase.

Mr. SMOOT. Mr. President, this bill does not apply to the field service in any way. This bill applies just to the employees in the District of Columbia, with the exception of the Postal Service, the Board of Education of the District of Columbia, officers and members of the Metropolitan police, the fire department of the District of Columbia, the United States park police, the commissioned personnel of the Coast Guard, the Public Health Service, and the Coast and Geodetic Survey. Those are exempted from the provisions of the bill. All of the other employees in the District of Columbia are covered by the bill.

Mr. NORRIS. Why does the Senator exempt those?

Mr. SMOOT. As to the officers and members of the Metropolitan police and the fire department of the District of Columbia, the Senator knows that the United States pays only 60 per cent of the appropriations made for the District of Columbia, and not only that, but the appropriations are made directly by Congress; and while the United States does not pay the full amount, they have had special legislation, particularly as to the police and firemen, and increases have been made for them, so that I think it is absolutely satisfactory to all of them. There is no necessity of bringing them under this bill. I mention also the United States park police.

Mr. NORRIS. Mr. President, I have not asked the Senator why the ones he has mentioned are excluded with any critical plan in mind. I approve it myself. I was glad to have the Senator outline the particular classes that were omitted by the express terms of the bill.

The Senator says, in his closing statement, that these people are satisfied with being excluded. I agree to that. They wanted to be excluded, and the committee excluded them. Now, here comes another class of people who want to be excluded likewise, and yet the committee puts them in. I can give reasons, I think, why these should be excluded that do not apply even to the others.

Mr. SMOOT. I referred simply to the police and the firemen in the District of Columbia as those that desired to be excluded from the bill.

Mr. NORRIS. Yes; and you excluded them. Now, I do not criticize that. I approve that.

Mr. SMOOT. And I gave the reasons for it.

Mr. NORRIS. I am not finding fault. I was simply using the Senator from Utah as a witness in favor of the amendment I am offering.

Mr. GERRY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Rhode Island?

Mr. NORRIS. I do.

Mr. GERRY. The Senator from Utah [Mr. SMOOT] stated that these sections with regard to the skilled-trade service and the common and specialized labor service, on pages 80 and 81, applied only in the District of Columbia. That is true, as I understand the bill; but it is also true that on page 41 of the bill there is a provision that the board shall make a survey of the field service and shall report to Congress.

In this survey the board will go into all the wage schedules of different branches of the Government's activities, and determine a wage scale which it will report back to Congress. If these sections on pages 80 and 81 are left in the bill, it will include in that report a wage scale for such activities as the torpedo stations, and the different navy yards, all the wages of which are now determined by special boards under different department heads, to meet particular conditions.

Mr. NORRIS. Let me say right there that, so far as I know, this arrangement is satisfactory to the people who are being controlled by those special boards.

Mr. GERRY. It is satisfactory.

Mr. MOSES. That is always a reason for legislation, if it is satisfactory to the people drawing the Government salaries.

Mr. GERRY. It is not only satisfactory to the different individuals, but it is also satisfactory to the different departments, like the Navy Department and the War Department. I feel sure of that, and I do not believe we could get the same initial justice with this sort of legislation as we can if it is left under the present condition.

Mr. MOSES. Why not?

Mr. SMOOT. I will answer the Senator by this statement, that there has been no survey made, and the Senator is mistaken when he thinks that whenever that survey is made it will fall under the provisions of this bill. There will have to be additional legislation, because I have no question of a doubt that a clerk, we will say, working in a small city somewhere in this country, can live a great deal cheaper than that same clerk, doing the same work, could live for in the District of Columbia. All those things are to be taken into consideration in the survey which will be made.

Mr. NORRIS. I have no doubt of that, but the Senator must realize that when that survey was made, as the Senator from Rhode Island has pointed out, these people who are not excluded may be put in, and I have included in my amendment a provision that will prohibit that. I want to keep them out permanently.

Mr. SMOOT. It will take two years to make that survey.

Mr. GERRY. If the Senator will yield to me further, at the present time the Navy Department is conducting an investigation as to the wages to be paid in the different yards and establishments. It has to determine conditions in each one, and, in my opinion, it is much better able to determine what are the proper rates of wages than will a board constituted as this is to be, which will be much more centralized. If we open the door now, and do not amend these sections on pages 80 and 81, we will have a report coming back to Congress for a general schedule, and will have to meet that condition then, and will have to fight then, and I would rather meet it now.

Mr. SMOOT. There is no fight to be made.

Mr. NORRIS. Mr. President, briefly as I may, I want to add another reason which it seems to me ought to differentiate this class of employees from the ordinary clerks in all of these departments. These employees are satisfied as they are. They are afraid to go under this provision, because they will come under the jurisdiction of people, honest and conscientious though they may be, who are engaged in a business entirely different from what these people are engaged in. In other words, you would have the skilled trades service under the supervision and jurisdiction of boards which are familiar with and are handling ordinary clerks in the various departments. Their work is entirely different. It is skilled in both instances, but in no sense are they related to each other.

Would it not be better, and would we not get better service, if these employees were under boards which were particularly skilled in the line of their employment, as they are now, instead of putting them under the jurisdiction and control of a board that has no knowledge of their business or their occupation, more or less scientific and distinguished, and entirely different from the one with which the board and those above them would be familiar?

Mr. STERLING. Let me suggest to the Senator that there may be an agreement, under the terms of the bill, between the head of the department under whose jurisdiction the particular employee comes, or that class of employees come, and the representative of the class of employees affected. The employees affected are represented in a conference with the head of the department when it comes to determine what the prevailing practice is. Of course, that agreement is subject to the approval of the board, consisting of a representative of the bureau of efficiency——

Mr. NORRIS. I hope the Senator will not get any idea that I am trying to insinuate, even indirectly, that this board is going to be moved by any improper motives. I am not. I am simply saying that from the very nature of things they are not as well qualified to pass on the questions that will arise, which will be mainly as to salaries, I take it, in every case, as they would be for clerks.

Mr. STERLING. Can not the representative of the head of the department present all the facts and circumstances and say what the commercial rate is?

Mr. NORRIS. Oh, yes; but, after all, the final disposition is in the hands of a board that has practically no knowledge whatever of the business in which the employee is engaged.

Mr. SMITH. May I ask the Senator a question?

Mr. NORRIS. I yield.

Mr. SMITH. Under the present conditions, each one of these departments employing skilled labor has a board which passes upon the efficiency and the pay of the different employees?

Mr. NORRIS. Yes.

Mr. SMITH. That board is constituted of men who know the business and the qualifications of those who are engaged in the business?

Mr. NORRIS. Exactly.

Mr. SMITH. The bill, as I understand it, proposes to unify in this board in Washington the power to do that supervisory work and to fix the compensation without the members of the board here in Washington having the qualification that the members of the boards have in these different departments, and it seems to me that when we are attempting to bring about efficiency, we should have efficiency of supervision as well as efficiency in the performance of work, because a man might pass upon the character of a job who knew no more about the job than some layman who never had been familiar with it, and who therefore would be as likely to do harm as to do good.

If the present arrangement is working efficiently and is bringing about the proper returns, and the boards are efficient in these skilled departments, why go afield, when the object of this bill is to operate among the mere clerical workers, to see that the clerk gets a proper wage for the labor performed?

Mr. STERLING. If the Senator from Nebraska will permit me——

Mr. NORRIS. I yield to the Senator from South Dakota.

Mr. STERLING. The fundamental question here is as to whether the employee should receive more than is paid according to the prevailing practice, or whether he is satisfied with the prevailing practice; in other words, the commercial rate for employment of that kind. That is the question. He ought to have that much, and I do not think he ought to have any more. This is a way of determining what that prevailing practice is, as provided in the bill.

Mr. SWANSON. Will the Senator from Nebraska yield to me?

Mr. NORRIS. Before I yield I want to make a reference to a matter presented by the Senator from South Dakota. In my humble opinion the Senator from South Dakota would not accomplish his object as well by the bill as drawn as if this amendment were adopted as a part of the bill. Certainly these boards, as far as I know, have worked satisfactorily. There is no complaint in regard to them. The men who are at work, and those who are above them, are both satisfied, as far as I know. If that is not true, I have not heard of it. It seems to me, if that is the condition which exists, we ought to let it alone, unless we have some reason to change it that is sufficient to warrant our interfering with a situation which is satisfactory.

The Senator from South Dakota says that the question is whether they shall get wages which correspond with the wages paid for similar work in private business. The boards who are familiar with the kind of work these employees do, I submit, are better able to determine that question than some fellows here who are familiar only with clerks and clerkships. They know more about it. They can do better, it seems to me, both for the Government and for the men.

As far as taking these men in is concerned, when they do not want to come in, a precedent has already been practically established, and a lot of these bureaus are left out expressly. The people who are in are satisfied. Those who are out do not want to come in, and the Government is satisfied. Here is another situation where employees should be left out, but in this case there is a better reason. They are doing a different kind of work, entirely foreign to the work that is going to be controlled or handled by this board. They are doing a work similar to the work in the navy yards, manual labor of an expert kind, high class technical labor. A great many of them have nothing to do with the keeping of books and the ordinary work of a clerk. If they are satisfied, and if you have let others stay out because they are satisfied, even though in other cases there is nothing else but clerks to handle and control, why should we step outside and take these men in when everything is satisfactory, as it is, and when the Government and the men both are satisfied?

Mr. LENROOT. I would like to ask the Senator concerning the proviso. Under this proviso it would seem that if a messenger had received, during any portion of the year, the $240 bonus, and then on the 1st of July got employment in the excluded class, he would receive $240 a year or $20 a month more than any of his fellows. Surely the Senator does not intend that.

Mr. NORRIS. It would depend on the position he would get. I thought I made that plain; at least I have outlined what my idea was as to the effect of my amendment. Just let me go over that briefly again. Here is a reclassification bill. If it is passed, those under it get the benefit of the bonus, and we do not need to pass a bonus bill. I think that is conceded. If we exclude these people, they will not get the benefit of that, of course. They will be left outside. Now they have the bonus. The bonus bill will not pass, and hence their salaries, if that provision were not in the pending bill, would be reduced $240 a year.

Mr. LENROOT. I am in sympathy with that.

Mr. NORRIS. I am only trying to effect the object I have in mind. I do not want to raise anybody's salary.

Mr. LENROOT. May I ask the Senator whether he would accept this as an amendment to his amendment?

Provided further, That all employees excluded from the provisions of this act and who would, if employed on June 30, 1923, be entitled to the $240 bonus, shall, on July 1, 1923, receive an increase at the rate of $240 per annum in addition to their present base pay so long as they shall hold any position which would have entitled them to receive said bonus had the present law regarding the same been continued.

Mr. STERLING. May I ask the Senator one question? Does he say "this act" or "these provisions"?

Mr. LENROOT. "This act." I am taking the language of the amendment.

Mr. STERLING. Should it be so broad as that? I do not think so. I think the Senator is concerned with the skilled trades, and I think it had better be confined to those provisions.

Mr. NORRIS. I will say to the Senator from Wisconsin that I have sent the only copy of the amendment I have to the desk, but at first blush, and on the reading of his proposal, I do not see any objection to the change the Senator has suggested. Before I would commit myself to it definitely I would like to study his proposal and compare the two. I want the Senate to understand that I am not trying to put anything in to increase anybody's salary. I want to leave them just as they would be. If they go under this bill, their salaries are automatically increased. If the bill is not passed and the bonus bill is passed, they will still receive $240 above their base pay. What I want to do is to keep them out of the bill and protect them from a reduction in pay. That is what I am trying to do.

Mr. SWANSON and Mr. SMITH addressed the Chair.

The PRESIDING OFFICER (Mr. REED of Pennsylvania in the chair). Does the Senator from Nebraska yield; and if so, to whom?

Mr. NORRIS. I yield first to the Senator from Virginia.

Mr. SWANSON. Mr. President, I think the Senator from Nebraska is entirely right in regard to these exceptions. It is illustrated by the situation in the Navy. Under the present law the salaries or wages of the mechanics, the boiler makers, the ship fitters, in the Navy are fixed in accordance with the salaries in the neighborhood. Each year a board is constituted who visit people in the neighborhood; evidence is heard as to the salaries paid in the neighborhood to mechanics of a similar kind, and that forms the basis for the wages paid. These men are much more capable of determining what the salaries of the boiler makers ought to be in the navy yards or one of the arsenals of the Army than a board composed of the Chief of the Civil Service Commission, the Efficiency Board, and those people who simply handle clerical work, as the Senator from Nebraska has well stated.

Each year the board meets and decides what are fair wages paid in the community, and the Government's wages are based upon this determination. To have the wages of boiler makers, skilled mechanics, and men of that class engaged in expert work fixed by a board sitting here in Washington, consisting of persons connected with the Civil Service Commission or the Efficiency Board or the Bureau of the Budget, who know nothing whatever about the matter, who have their hands full of clerical work, is turning the work of the Government over to inexperienced people instead of experienced people.

The local board which fixes the wages, as I have described, usually has a representative from the Navy Department and one from the laboring people as well. They hear the evidence, take the testimony, and make investigations. They go to the private shipyard and ascertain the wages paid there and try to adjust the wages for the Government on that basis. In Philadelphia they go to the private shipyards and find what the mechanics get there, what the boiler makers and other skilled workers get there, and try to pay the same wage. To require these people to come here to a central board in Washington, with all the business incident to it, simply means to turn this class of people over and allow their wages to be fixed by inexperienced people. There is no reason for doing it and no justification for taking action of that sort. There is no reason why they should be compelled to come to Washington and appear before a board of inexperienced people of that kind.

Mr. NORRIS. Mr. President, I understand the Senator from South Dakota is willing to accept the amendment I have offered

if I will accept the modification presented by the junior Senator from Wisconsin [Mr. LENROOT].

Mr. STERLING. On behalf of the committee I accept the amendment as modified by the substitute offered by the Senator from Wisconsin.

Mr. SMITH. Will the Senator have the amendment as modified read?

Mr. NORRIS. It is a substitute for the last paragraph.

Mr. SMOOT. Let the modified amendment be reported.

The ASSISTANT SECRETARY. It is proposed——

Mr. NORRIS. Mr. President, it seems there is a misunderstanding.

Mr. STERLING. I did not quite understand the scope of the amendment.

Mr. NORRIS. The suggestion of the Senator from Wisconsin was not a substitute for my amendment, but only a substitute for the proviso in the amendment.

Mr. SMOOT. Let the amendment be reported.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. On page 80, strike out all after line 16, to and including line 2 on page 83, and insert in lieu thereof the following:

Provided, That none of the provisions of this act shall include or apply to the skilled trades service, which shall include all classes of positions the duties of which are to perform, assist in, or supervise, apprentice, helper, or journeyman work in a recognized trade or craft; or the common and specialized labor service not otherwise specially provided for, which shall include all classes of positions the duties of which are to perform or direct manual work requiring more or less special skill or experience, but no knowledge or skill in a trade or craft coming within the skilled trades service: *Provided further*, That all employees excluded from the provisions of this act and who would if employed on June 30, 1923, be entitled to the $240 bonus, shall on July 1, 1923, receive an increase at the rate of $240 per annum in addition to their present base pay so long as they shall hold any position which would have entitled them to receive said bonus had the present law regarding the same been continued.

Mr. NORRIS. I want to make a suggestion to the Senator from South Dakota. There is a dispute here about the bonus. I think I am right about it, but I may be wrong. The Senator from Utah [Mr. SMOOT] is very positive that he is right about it. The only way to correct that, if we correct it at all, is to include the employees in the amendment. If the conferees find that the men are not getting the bonus, of course they can rectify it, but I would not want the amendment agreed to with the bonus item stricken out, because, as I understand the situation, it would mean a reduction in salary of $240 for each of those men.

Mr. SMOOT. Since I made the statement on the floor I have telephoned down and I now say positively to the Senator from Nebraska that they do not receive the $240 bonus. They receive the base pay.

Mr. NORRIS. Then the acceptance of the amendment will not do any harm, because it only applies to those who do receive the bonus. That is what the amendment is for.

Mr. SMITH. The amendment, as I understood it when read, was that the $240 bonus is added to the base pay and would only apply to those who have been receiving it.

Mr. NORRIS. If they are not getting the bonus, it will not apply to them.

Mr. SMOOT. I ask that the provision be read. I know that I am right as it was first read, but the Senator may have changed it from the way it was first read.

The PRESIDING OFFICER. The proviso of the amendment offered by the Senator from Nebraska will be read.

The Assistant Secretary read as follows:

Provided further, That all employees excluded from the provisions of this act and who would, if employed on June 30, 1923, be entitled to the $240 bonus, shall, on July 1, 1923, receive an increase at the rate of $240 per annum in addition to their present base pay so long as they shall hold any position which would have entitled them to receive said bonus had the present law regarding the same been continued.

Mr. SMITH. That is right.

Mr. NORRIS. Will the Senator from Utah admit that he was mistaken?

Mr. SMOOT. I do not know whether there has been any change made in it since it was first read.

Mr. NORRIS. I have made no change except the penciled memorandum of the Senator from Wisconsin [Mr. LENROOT]. I think the Secretary read the proviso in the original amendment.

Mr. SMOOT. Oh, no.

Mr. NORRIS. Then read that and see whether it applies.

Mr. SMOOT. This is what the Senator read, and this is just what it said:

Provided, That all employees excluded from the provisions of this act who received the $240 bonus during any portion of the fiscal year ending June 30, 1923, shall, on the 1st of July, 1923, receive an increase at the rate of $240 in addition to their present base pay.

Mr. NORRIS. Now, the Senator will admit he was for once mistaken?

Mr. SMOOT. Oh, I have been mistaken more than once in my life, I will say to the Senator.

Mr. WATSON. Mr. President, what is the question before the Senate?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska, as modified, to the amendment reported by the committee.

The amendment to the amendment was agreed to.

Mr. MOSES. Now, there will be required some perfection of the bill, the amendment having been agreed to.

Mr. STERLING. In view of the action of the Senate in striking out the language proposed by the committee, I must offer an amendment that will include certain employees. I send to the desk and ask the Secretary to read the amendment which I now offer.

Mr. LODGE. Mr. President, if we are to open up a new line of debate I wish to state that while I am very anxious to get the bill through, I think we must have an executive session. There are some appointments of very great importance that ought to be confirmed before the 4th of March, members of the International Debt Commission among others. There is also a brief treaty which must be ratified and must come before the Senate to-day so that we can dispose of it to-morrow, relating to the halibut fisheries on the western coast. If possible we want to have a short executive session and dispose of those matters.

Mr. WATSON. Does the Senator want to have the executive session before the conclusion of the consideration of the bill?

Mr. LODGE. The conclusion of the bill is so indefinite that I think we ought to get the nominations confirmed. It will take but a few moments.

Mr. STERLING. I do not think it will take long to conclude the consideration of the bill. Anyway, the Senator from Massachusetts has all day to-morrow.

Mr. MOSES. It will take some time to conclude the bill unless we get it perfectly clear that the amendment just agreed to is not going to interfere with the operation of the Government Printing Office.

Mr. STERLING. I think I have an amendment here that will cover that situation.

Mr. MOSES. I am not clear about that. I want to be very certain about it.

Mr. LODGE. I will withhold the motion for a little while, but I shall make it within a very few minutes unless the bill is disposed of promptly.

The PRESIDING OFFICER. The amendment offered by the Senator from South Dakota will be stated.

The READING CLERK. On page 41, line 21, after the word "Columbia," add the following:

and shall not apply to employees in positions the duties of which are to perform or assist in apprentice, helper, or journeyman work in a recognized trade or craft, and skilled and semiskilled laborers, except such as are under the direction and control of the custodian of a public building, or perform work which is subordinate, incidental, or preparatory to work of a professional, scientific, or technical character.

Mr. NORRIS. I want to inquire where the amendment is proposed to be inserted?

The PRESIDING OFFICER. On page 41, line 21, after the word "Columbia." The question is on the amendment offered by the Senator from South Dakota to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. MOSES. I want to offer an amendment now.

Mr. STERLING. Just a moment. I offer another amendment from the committee, which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 80, line 17, in lieu of the matter relating to the skilled trades service insert the following:

CLERICAL-MECHANICAL SERVICE.

The clerical-mechanical service shall include all classes of positions which are not in a recognized trade or craft and which are located in the Government Printing Office, the Bureau of Engraving and Printing, the mail equipment shop, the duties of which are to perform or to direct manual or machine operations requiring special skill or experience or to perform or direct the counting, examining, sorting, or other verification of the products of manual or machine operations.

Mr. STERLING. The amendment is the same as that handed the secretary with the exception that the Government Printing Office and the Bureau of Engraving and Printing and the mail equipment shop are specified and they were not specified in the other amendment.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from South Dakota to the committee amendment.

The amendment to the amendment was agreed to.

Mr. MOSES. I offer to the committee amendment the amendment which I send to the desk and ask that it may be read.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

Mr. SMOOT. Mr. President, only a part of amendment No. 2, which was offered by the Senator from South Dakota, was agreed to. The portion relating to the grades was not agreed to, and those grades will have to be included in the amendment in order to take care of the Bureau of Engraving and Printing and the Government Printing Office.

Mr. STERLING. The grades are a part of the amendment, but I omitted so to state when I presented the amendment.

Mr. SMOOT. I ask that the vote whereby the amendment to the amendment was agreed to may be reconsidered.

The PRESIDING OFFICER. The Senator from Utah asks that the vote whereby the last amendment to the amendment was agreed to may be reconsidered. Without objection, it is so ordered. The question now is on the amendment of the Senator from South Dakota, as now modified with the inclusion of the grades, to the amendment. The Secretary will state the amendment to the amendment in the form in which it is now presented.

The READING CLERK. On page 80 it is proposed to strike out all after line 16, down to and including line 2 on page 83, and to insert:

CLERICAL-MECHANICAL SERVICE.

The clerical-mechanical service shall include all classes of positions which are not in a recognized trade or craft and which are located in the Government Printing Office, the Bureau of Engraving and Printing, the mail equipment shop, the duties of which are to perform or to direct manual or machine operations requiring special skill or experience, or to perform or direct the counting, examining, sorting, or other verification of the product of manual or machine operations.

Grade 1 shall include all classes of positions in this service the duties of which are to perform the simplest operations or processes requiring special skill and experience.

The rates of compensation for classes of positions in this grade shall be 45 to 50 cents an hour.

Grade 2 shall include all classes of positions in this service the duties of which are to operate simple machines or to perform operations or processes requiring a higher degree of skill than those in grade 1.

The rates of compensation for classes of positions in this grade shall be 55 to 60 cents an hour.

Grade 3 shall include all classes of positions in this service the duties of which are to operate machines or to perform operations or processes requiring the highest degree of skill or supervise a small number of subordinates.

The rates of compensation for classes of positions in this grade shall be 65 to 70 cents an hour.

Grade four shall include all classes of positions in this service the duties of which are to perform supervisory work over a large unit of subordinates.

The rates of compensation for classes of positions in this grade shall be 80 to 90 cents an hour.

Grade five shall include all classes of positions in this service the duties of which are to be responsible for the administration of a major division of a large bureau or establishment with varied work.

The rates of compensation for classes of positions in this grade shall be $2,940, $3,180, $3,420, and $3,660 a year:

Provided, That none of the provisions of this act shall include or apply to the skilled trades service, which shall include all classes of positions the duties of which are to perform, assist in, or supervise, apprentice, helper, or journeyman work in a recognized trade or craft; or the common and specialized labor service not otherwise specially provided for which shall include all classes of positions, the duties of which are to perform or direct manual work requiring more or less special skill or experience, but no knowledge or skill in a trade or craft coming within the skilled trade service: *Provided further*, That all employees excluded from the provisions of this act and who would if employed on June 30, 1923, be entitled to the $240 bonus, shall on July 1, 1923, receive an increase at the rate of $240 per annum in addition to their present base pay so long as they shall hold any position which would have entitled them to receive said bonus had the present law regarding the same been continued.

The PRESIDING OFFICER. The question is on the amendment as modified offered by the Senator from South Dakota [Mr. STERLING] to the committee amendment.

Mr. KING. Mr. President, may I inquire of the Senator from South Dakota if this amendment to the amendment relates to the printers in the Bureau of Engraving and Printing?

Mr. STERLING. It does not relate to the printers. It merely relates to some semiskilled workers. The crafts and skilled trades are now altogether eliminated by the amendment.

The PRESIDING OFFICER. The question is on the adoption, as modified, of the amendment of the Senator from South Dakota to the committee substitute.

Mr. KING. Mr. President, may I inquire of the Senator from South Dakota what are the differences between the various grades and what will be the duties of the employees in the grades calling for the highest compensation?

Mr. STERLING. The duties are to some extent, although I agree to a limited extent, described in the paragraphs before the rates of compensation are fixed. Beginning with grade 1, for example—

Grade 1 shall include all classes of positions in this service the duties of which are to perform the simplest operations or processes requiring special skill and experience—

Mr. KING. Such as printers and engravers?

Mr. STERLING. Printers and engravers who are yet outside of a recognized trade or craft and below that grade.

I will take grade 5, as another example—

Grade 5 shall include all classes of positions in this service the duties of which are to be responsible for the administration of a major division of a large bureau or establishment with varied work.

Of course the duties referred to there are those largely of a supervisory character and they involve great responsibility upon the part of the person who has charge.

Mr. KING. Without taking the time to ask for an explanation for each grade, may I ask the Senator whether the duties embraced in the last grade, calling for the highest compensation, are comparable to the duties that in private printing establishments would be devolved upon persons having supervisory care and if the compensation here provided is comparable to the compensation in private establishments, not now when wages are perhaps exceedingly high in some trades, but in ordinary, normal times?

Mr. STERLING. I think the compensation is fairly comparable with that paid in ordinary times. I wish to say further to the Senator that the idea is to give the employees of this grade about their present basic salary with the bonus added. That has been the intention all through this bill.

Mr. KING. And the basic salary was established some years ago, I believe.

Mr. STERLING. It was.

The PRESIDING OFFICER. The question is on the adoption, as modified, of the amendment of the Senator from South Dakota to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on the adoption of the committee amendment as amended.

Mr. MOSES. Mr. President, I now offer the amendment which I previously sent to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. At the proper place in the amendment of the committee it is proposed to add the following:

The compensation for the clerks, first assistant clerks, and second assistant clerks of committees of the Senate, and for the same classification of clerical assistants to Senators who are not chairmen of committees shall be, respectively, $3,600, $2,500, and $2,100 per annum: *Provided*, That the salaries of the clerks and messengers of the Senate Committees on Appropriations, Finance, and Interstate Commerce shall be as now established by law.

The compensation for additional clerks now provided by law for committees of the Senate or for Senators who are not chairmen of committees shall be $1,500 per annum.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Hampshire to the amendment of the committee.

Mr. KING. Mr. President, the Senator from New Hampshire has just offered a very interesting amendment, which is scarcely germane to the bill under consideration. In view of that fact, and it probably being a diversion, I shall take the opportunity of creating a little further diversion, under the latitude permitted in debate, by inviting attention to a very interesting communication appearing in the New York Herald of this day.

Mr. MOSES. Mr. President, will the Senator permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. KING. I yield for a question.

Mr. MOSES. I wish to make a personal explanation. I have no intention, of course, of depriving the Senator or any person within these walls from any diversion that might be had here this afternoon. I wish to assure the Senator, however, that I have not offered this amendment as a diversion. I have offered it in grim and deadly earnest, and it is germane to legislation which is classifying the duties and fixing the salaries of Government employees.

Mr. KING. Mr. President, I am so good-natured that I will consider that it is not a diversion, that it is offered in grim and good earnest, and is perfectly pertinent and germane; and having made that concession, I shall proceed.

DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT.

Mr. WARREN. Mr. President, will the Senator yield to me to present a conference report?

Mr. KING. I yield to the Senator from Wyoming.

Mr. WARREN. I send to the desk the conference report on the deficiency appropriation bill, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be read.

The Assistant Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14408) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13, 23, 27, 29, 34, 35, 39, 42, 44, 46, 47, 48, 50, 52, 53, 55, 59, 60, 61, 68, and 73.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 25, 26, 28, 30, 31, 33, 37, 41, 43, 49, 56, 57, 58, 62, 63, 65, 67, 69, 70, 71, 74, 75, 77, 78, 79, 80, 81, 82, 83, and 84, and agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: Omit the matter stricken out and inserted by said amendment, and, on page 5 of the bill, in line 4, strike out the title "Botanic Garden"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment, insert "$7,500"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$25,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment strike out the word "rebuilding" and insert in lieu thereof the words "repairing, reconstructing"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In line 5 of the matter inserted by said amendment, after the word "river," insert the words "on public lands"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In line 5 of the matter inserted by said amendment, before the sum "$4,380.67," insert "fiscal year 1918"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: Strike out the last five lines of the matter inserted by said amendment; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the number proposed insert "4"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 22, 24, 36, 40, 54, 66, 72, and 76.

F. E. WARREN,
CHARLES CURTIS,
LEE S. OVERMAN,
Managers on the part of the Senate.

MARTIN B. MADDEN,
D. R. ANTHONY, Jr.,
JOSEPH W. BYRNS,
Managers on the part of the House.

The PRESIDING OFFICER. The Senator from Wyoming asks for the immediate consideration of the report. Is there objection?

There being no objection, the Senate proceeded to consider the report.

Mr. WARREN. I move the adoption of the report.

The PRESIDING OFFICER. The question is on agreeing to the report of the conference committee.

Mr. NORRIS. Mr. President, if nobody else wants to speak on it, I want recognition on that question.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KING. Mr. President, I yielded for the purpose of submitting the conference report. Does the Senator desire to debate the report?

Mr. NORRIS. I do.

Mr. KING. Not the bill that is before the Senate?

Mr. NORRIS. No.

Mr. KING. I think in good faith, then, I should yield to the Senator from Nebraska.

Mr. NORRIS. I am not asking the Senator to yield. I do not think he ought to. A motion has been made to adopt the conference report. I realize that the Senator has the floor, but a conference report can not be put through here without permitting it to be debated merely because somebody has the floor.

The PRESIDING OFFICER. There was no objection to the consideration of the conference report, and therefore debate on the adoption of the report seems to the Chair to be in order.

Mr. KING. I yield to the Senator from Nebraska, as I understand that he desires to discuss the conference report.

Mr. NORRIS. Mr. President, this is a conference report on a bill which passed the Senate last night about 10 o'clock. Nobody has read it. Nobody has had an opportunity to read it. It has not been printed. It has been only partly read even by the Clerk. Can we expect intelligent legislation when we do business in this way on a bill that involves a great many millions of dollars, and 50 or 60, perhaps a hundred, amendments?

Mr. WARREN. Mr. President, if the Senator will allow me, there are not a hundred amendments to the bill.

Mr. NORRIS. Well, it will run along toward that number. The report speaks of disagreeing to amendments from 1 to 30. Nobody here knows what that means. It might just as well have been read in French; it would have been just as understandable. Unless we have a printed bill before us with the amendments numbered, we can not tell what they are.

Mr. WARREN. I wish to state to the Senator that this report was made in the same way that every other report is made.

Mr. NORRIS. Oh, I am not criticizing the manner in which the report is made. Everybody seems to think that he is criticized when a Senator will not permit a thing to go through here without saying something about it. I am not criticizing anybody. I suppose this report is made, as the Senator says, just the same as every other report of a similar character is made. I have not claimed otherwise; but that does not do away with the fact that none of us knows anything about it.

Mr. WARREN. It is open for debate or for inquiry.

Mr. NORRIS. That is what I am trying to do—to debate it. Mr. President, the report ought to be printed. We ought to have an opportunity to see what there is in it.

Mr. WARREN. May I say to the Senator that, as the Senator knows, it is desired to have the report acted on here so that it can go to the House.

Mr. McNARY. Mr. President, we can not hear a word that is going on in the Senate Chamber. I make the point of order that the Senate is in disorder.

The PRESIDING OFFICER. The Senate will be in order, and Senators now standing will take their seats.

Mr. NORRIS. Mr. President, what we ought to have is an explanation of all these amendments. The Senate spent all day yesterday upon this bill. It adopted in good faith a lot of amendments. Now they are all brushed aside without knowing just what, or how many, or in what condition they are, and we are going to vote blindly to approve the report. We are going to do it because we are just a few hours away from the time when we know we shall have to adjourn.

I have taken this occasion again to call attention to the slipshod way in which the Senate of the United States is legislating where there are involved hundreds of millions of dollars of the money of the people, who have to raise it by toil and labor, all because we are in a legislative jam here at the end of a short session, worse than we were ever in before, perhaps, but not as bad as we will be in two years from now, because the legislation continues to become more important year by year.

Here we are, like a lot of boys, spending all day conscientiously and earnestly debating and considering amendments to the appropriation bill. We send it to conference, and it comes back in five or six hours, and the conferees say all amendments up to 30 are rejected, and all amendments up to 10 are agreed to, and all the other amendments are still in disagreement. There is not a man here except the conferees who knows what amendment No. 1 is, or amendment No. 2, or 3, or 4, or 5, or any other amendment; and we are going to vote to undo to-day everything that we did yesterday, and we are going to do it because we have not time to give it proper consideration.

Mr. WARREN. Mr. President, I will say that we have used all the time we have to-day in the consideration of the matter. We have saved everything the Senate put in that it was possible to save. The bill was printed with the amendments that went to conference numbered, and I presume a copy can be furnished to any Senator who desires it. As to explaining the amendments, I should be perfectly willing to do that if time permitted.

Mr. NORRIS. Mr. President, if the Senator should explain these amendments, it would take nearly as long as it took us when we adopted them. If we had the amendments before us and saw just what they were, perhaps they would not require an explanation in some instances. If the Senator wants to explain them, I will ask him to go ahead and explain every one of them.

Mr. WARREN. I am perfectly willing to do it. I simply dislike to waste a lot of time.

Mr. LODGE. Of course, that would result in the defeat of the bill.

Mr. NORRIS. The Senator says it is a waste of time. I realize that. I am not criticizing the Senator; but the Congress has to adjourn on the 4th of March. I want to emphasize to this body, I want to emphasize to the country, that on account of the way the sessions of Congress must end, Congress must necessarily be practically impotent for the purpose of doing anything in the way of legislating for the country.

I know that after we have worked all day and amended the bill in various ways, when we take it all back the next day it is something that it is necessary for us to do. We might just as well pass these bills without reading them and let them go. After all, we are going to be at the mercy of conferees. When they bring in a report we are going to agree to it, because we know that if we do not agree to it, it means the death of the whole thing; so we are legislating by conferees and not by the House or the Senate. We have abdicated; we have turned over our powers to three men; and I am not criticizing those three men. They may be doing the best they can. From the very condition of things we can not accomplish anything.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

Mr. KING. Mr. President——

Mr. STERLING. Mr. President, I hope the Senator from Massachusetts will defer that motion for just a little while. We are on the eve now of passing the reclassification bill. For the most of the business of the Senator from Massachusetts, I think, there is ample time. I sat here last night until 10 o'clock for the purpose of getting up the reclassification bill. I got it up at the last minute before adjournment, and now, I think, we can wait a few minutes for the conclusion of the consideration of the bill.

Mr. LODGE. Mr. President, I have been told that since 11 o'clock this morning. It will take only a few minutes to get this executive business out of the way, and it must be disposed of if we are to dispose to-morrow of the important nominations that have come in to-day.

The VICE PRESIDENT. The question is on the motion of the Senator from Massachusetts.

Mr. HEFLIN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. HEFLIN. Is it the purpose of the Senator to have the Senate return to legislative session?

Mr. LODGE. It is.

Mr. HEFLIN. I have no objection to the motion.

The VICE PRESIDENT. The question is on the motion of the Senator from Massachusetts that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After two hours and five minutes spent in executive session the doors were reopened.

Mr. STERLING. Mr. President, I ask that the bill be laid again before the Senate.

RECLASSIFICATION OF GOVERNMENT EMPLOYEES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8028) to provide for the classification of civilian positions in the District of Columbia and in the field services.

Mr. McKELLAR. Mr. President, I want to discuss for a moment the pending amendment before we vote on it.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Montana?

Mr. McKELLAR. I yield.

COMMISSION OF GOLD AND SILVER INQUIRY.

Mr. WALSH of Montana. Mr. President, I desire to submit a unanimous-consent request. On Wednesday the Senate by a unanimous vote passed Senate Joint Resolution 287, providing for the appointment of a commission of gold and silver inquiry, to inquire into the condition of the gold and silver industry in the United States, and providing for the appointment of five Members of the Senate and five Members of the House. I am told that the condition of the business in the House is such that it will make it impossible for the joint resolution to receive consideration in that body. I ask unanimous consent that I may be permitted to tender the same measure as a Senate resolution, for the appointment of a Senate commission of five Members of the Senate, to sit during the recess of the Senate, and make the inquiry which was contemplated to be made by a joint commission of the two Houses.

Mr. SMOOT. That will entail some expense, and will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. WALSH of Montana. I ask leave to present it and have it referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution (S. Res. 469) was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, etc., That a Senate commission is hereby created, to be known as the Senate Commission of Gold and Silver Inquiry, which shall consist of five Senators, three of whom shall be members of the majority party and two of whom shall be members of the minority party, to be appointed by the President of the Senate.

Said commission shall investigate and report to the Congress on January 1, 1924, upon the following subjects:

1. The causes of the continuing decrease in the production of gold and silver.

2. The causes of the depressed condition of the gold and silver industry in the United States.

3. The production, reduction, refining, transportation, marketing, sale, and uses of gold and silver in the United States and elsewhere.

4. The effect of the decreased production of gold and silver upon commerce, industry, exchange, and prices.

The said commission is further authorized:

1. To confer with citizens, associations, or corporations of foreign countries with a view to the stabilization and wider use of silver in exchange.

2. To propose, either formally or informally, to the President of the United States, or the heads of the proper departments, plans for negotiations with foreign governments to the same end.

The commission shall include in its report recommendations for legislation which in its opinion will tend to remedy existing conditions and shall specifically report upon the limitations of the powers of Congress in enacting relief legislation.

The commission shall elect its chairman, and vacancies occurring in the membership of the commission shall be filled in the same manner as the original appointments.

The commission or any subcommittee of its members is authorized to sit during the sessions, recesses, or adjournments of the Sixty-seventh and Sixty-eighth Congresses in the District of Columbia or elsewhere in continental United States, to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, to employ a stenographer at a cost not exceeding 25 cents per folio to report such hearings as may be had in connection with any subject which may be before said joint commission, and to employ such personal services and incur such expenses as may be necessary to carry out the purposes of this resolution; such expenditure shall be paid from the contingent funds of the Senate upon vouchers authorized by the committee and signed by the chairman thereof.

Mr. WALSH of Montana. In this connection I desire to submit a table supplementary to the one which I submitted a few days ago, which shows the alarming decline in the production of gold and silver in the United States. It shows the decline in production of gold and silver in the world, the decline being startling, as this statement will show.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Silver production of the world by continents, United States Mint Reports, 1915–1921.

[In fine ounces.]

Continents.	1915	Per cent of world production.	1921	Per cent of world production.	Increase (+), decrease (−), 1921 from 1915.	Per cent of increase (+), decrease (−), 1921 from 1915
United States	74,961,075	41.9	53,052,441	30.2	−21,908,634	−29.2
Canada	26,625,960	14.9	13,134,926	7.5	−13,491,034	−50.8
Mexico	39,570,151	22.1	64,513,540	36.8	+24,943,389	+63.0
North America	141,157,186	78.9	130,700,907	74.5	−10,456,279	−7.4
Central America	2,920,496	1.6	2,000,000	1.1	−920,496	−31.5
South America	13,687,464	7.7	15,065,610	8.6	+1,378,146	+10.1
Europe	10,107,556	5.7	7,990,662	4.6	−2,116,894	−20.9
Australia	4,295,755	2.4	[1] 9,446,363	5.4	+5,150,608	+119.8
Asia	5,494,004	3.1	8,903,316	5.1	+3,409,312	+62.0
Africa	1,188,039	.6	1,161,376	.7	−26,663	−2.2
Total for world	178,850,500	100.0	175,268,234	100.0	−3,582,266	−2.0

[1] Australasia.

Table compiled and computed by H. N. Lawrie, managing director American Gold and Silver Institute.

Silver production in the United States by States, United States Mint Reports, 1915–1921–1922.

[Fine ounces.]

State.	1915	1921	1922[1]	Increase (+) or decrease (−) 1921 from 1915.	Per cent of increase (+) decrease (−) 1921 from 1915.
Alaska	1,054,634	753,999	652,251	−300,635	−28.53
Arizona	5,665,672	2,519,200	4,198,695	−3,146,472	−55.52
California	1,689,924	[2] 3,606,708	3,119,002	+1,916,784	+113.42
Colorado	7,199,745	6,310,694	5,951,593	−889,051	−12.35
Idaho	13,042,466	7,200,319	5,965,098	−5,842,147	−44.79
Michigan	581,874	316,551	361,912	−265,323	−45.53
Montana	14,423,173	9,677,020	9,601,048	−4,746,153	−32.91
Nevada	14,453,085	6,998,774	8,108,027	−7,454,311	−51.57
New Mexico	2,337,064	579,374	657,231	−1,757,690	−75.22
Oregon	125,499	53,118	193,121	−72,381	−57.60
South Dakota	197,569	111,670	121,757	−85,899	−43.43
Texas	724,580	548,827	601,765	−175,753	−24.28
Utah	13,073,471	14,028,661	15,588,734	+955,190	+7.61
Washington	213,877	147,584	210,885	−66,293	−30.84
Other States and possessions	178,442	199,942	179,740	+21,500	+12.09
Total	74,961,075	53,052,441	[3]55,510,859	−21,908,634	−29.23

[1] Preliminary estimate of the Bureau of the Mint in cooperation with the Geological Survey.

[2] Increase from 1915 due to rich discovery.

[3] Production from siliceous ores is estimated to be less in 1922 than in 1921, the increase in the total production for 1922 over 1921 is attributed to the increase in silver derived as a by-product of lead and copper, the production of both of which increased materially in 1922.

Table compiled and computed by H. N. Lawrie, managing director, American Gold and Silver Institute.

AMENDMENT OF REVENUE LAW OF 1921—CONFERENCE REPORT.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bill (H. R. 13775) to amend the revenue act of 1921 in respect to credits and refunds, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 4.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 3, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by said amendment, and on page 2 of the House bill, line 16, after the word "taxpayer," insert a colon and the following: "*Provided further*, That if the taxpayer has, within five years from the time the return for the taxable year 1917 was due, filed a waiver of his right to have the taxes due for such taxable year determined and assessed within five years after the return was filed, such credit or refund shall be allowed or made if claim therefor is filed either within six years from the time the return for such taxable year 1917 was due or within two years from the time the tax was paid"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "b"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"SEC. 2. Section 3226 of the Revised Statutes, as amended by section 1318 of the revenue act of 1921, is amended by inserting before the period at the end thereof a comma and the following: 'unless such suit or proceeding is begun within two years after the disallowance of the part of such claim to which such suit or proceeding relates. The commissioner shall within 90 days after any such disallowance notify the taxpayer thereof by mail.'"

And the Senate agree to the same.

P. J. McCUMBER,
REED SMOOT,
PETER G. GERRY,
Managers on the part of the Senate.

W. R. GREEN,
NICHOLAS LONGWORTH,
W. C. HAWLEY,
J. W. COLLIER,
W. A. OLDFIELD,
Managers on the part of the House.

Mr. ROBINSON. Mr. President, I ask the Senator from North Dakota to state the substance and effect of the conference agreement so that we may understand it.

Mr. McCUMBER. This bill came from the House as a simple bill to meet those cases where the department asked the taxpayer to waive the five-year limitation on the 1917 taxes. The bill gave another year for the department to examine the tax reports, and it also gave another year to the taxpayer to ask for a refund. We made several amendments, but we had to recede from the principal amendment, which related to the payment of taxes by the Alien Property Custodian, which the House refused to agree to, and so we let it go out. The others are mere clerical changes. That is all that is effectuated by the bill.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

FREE ENTRY OF DOMESTIC CATTLE—CONFERENCE REPORT.

Mr. McCUMBER. I have another conference report to present. It is relative to importing cattle, allowing them to remain more than the eight months permitted under the present law. It relates to cattle which are brought in from Mexico, and which have had to be kept there on account of drought for a little longer period. It allows them to be returned for a period of four months beyond the eight months. The two Senators from New Mexico join most heartily in the measure.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 422) permitting the entry free of duty of certain domestic animals which have crossed the boundary line into foreign countries, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2.

P. J. McCUMBER,
REED SMOOT,
A. A. JONES,
Managers on the part of the Senate.

W. R. GREEN,
NICHOLAS LONGWORTH,
W. C. HAWLEY,
J. W. COLLIER,
WM. A. OLDFIELD,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

Mr. McCUMBER. I am much obliged to the Senator from Tennessee for yielding.

Mr. McKELLAR. I now yield to the Senator from Louisiana.

CONTROL OF FLOODS ON THE MISSISSIPPI.

Mr. RANSDELL. I report back favorably from the Committee on Commerce House bill 13810, to continue the improvement of the Mississippi River and for the control of its floods. I ask for its immediate consideration. I do not think there will be any debate on it.

Mr. SMOOT. I object at this time. I want to get the classification bill through.

The VICE PRESIDENT. It will go to the calendar.

Mr. ROBINSON. I suggest that the Senator request that the report lie on the table.

Mr. RANSDELL. I ask that it may lie on the table.

The VICE PRESIDENT. It will lie on the table.

Mr. ROBINSON. I hope the Senator from Utah will investigate the matter as soon as he can, so that we may consider the bill at the earliest possible moment.

Mr. RANSDELL. I would like to say to the Senator from Utah that if we can not pass it this evening it can not be enacted at all at this session. It is a bill for flood control, and is of very great importance.

JUDICIAL DISTRICTS IN IOWA.

Mr. CUMMINS. Mr. President, I desire to call up from the calendar Senate bill 4614, adding a place for the holding of a Federal court in Iowa. The situation in the House is such that if it is passed here and can go to the House in the morning it will be enacted; otherwise it will fail. It will take but a minute.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4614) to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, which was read, as follows:

Be it enacted, etc., That section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by the act of February 23, 1916, and the act of April 27, 1916, be, and the same is hereby, amended to read as follows:

"SEC. 81. The State of Iowa is divided into two judicial districts, to be known as the northern and southern districts of Iowa.

"The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Allamakee, Dubuque, Buchanan, Clayton, Delaware, Fayette, Winneshiek, Howard, Chickasaw, Bremer, Blackhawk, Floyd, Mitchell, and Jackson, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Jones, Cedar, Linn, Iowa, Benton, Tama, Grundy, and Hardin, which shall constitute the Cedar Rapids division; also the territory embraced on the date last mentioned in the counties of Emmet, Palo Alto, Pocahontas, Calhoun, Carroll, Kossuth, Humboldt, Webster, Winnebago, Hancock, Wright, Hamilton, Worth, Cerro Gordo, Franklin, and Butler, which shall constitute the central division; also the territory embraced on the date last mentioned in the counties of Dickinson, Clay, Buena Vista, Sac, Osceola, O'Brien, Cherokee, Ida, Lyon, Sioux, Plymouth, Woodbury, and Monona, which shall constitute the western division.

"Terms of the district court for the eastern division shall be held at Dubuque on the fourth Tuesday in April and the first Tuesday in December, and at Waterloo on the second Tuesdays in May and September; for the Cedar Rapids division, at Cedar Rapids on the first Tuesday in April and the fourth Tuesday in September; for the central division, at Fort Dodge on the second Tuesdays in June and November, and at Mason City on the fourth Tuesdays in June and November; and for the western division, at Sioux City on the fourth Tuesday in May and the third Tuesday in October.

"The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Louisa, Henry, Des Moines, Lee, and Van Buren, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Marshall, Story, Boone, Greene, Guthrie, Dallas, Polk, Jasper, Poweshiek, Marion, Warren, and Madison, which shall constitute the central division of said district; also the territory embraced on the date last mentioned in the counties of Crawford, Harrison, Shelby, Audubon, Cass, Pottawattamie, Mills, and Montgomery, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Adair, Adams, Clarke, Decatur, Fremont, Lucas, Page, Ringgold, Taylor, Union, and Wayne, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Scott, Muscatine, Washington, Johnson, and Clinton, which shall constitute the Davenport division of said district; also the territory embraced on the date last mentioned in the counties of Davis, Appanoose, Mahaska, Keokuk, Jefferson, Monroe, and Wapello, which shall constitute the Ottumwa division of said district.

"Terms of the district court for the eastern division shall be held at Keokuk on the sixth Tuesday after the fourth Tuesday in February and the eighth Tuesday after the third Tuesday in September; for the central division, at Des Moines on the tenth Tuesday after the fourth Tuesday in February and the tenth Tuesday after the third Tuesday in September; for the western division, at Council Bluffs on the fourth Tuesday in February and the sixth Tuesday after the third Tuesday in September; for the southern division, at Creston on the fourth Tuesday after the fourth Tuesday in February and the third Tuesday in September; for the Davenport division, at Davenport on the eighth Tuesday after the fourth Tuesday in February and the second Tuesday after the third Tuesday in September; and for the Ottumwa division, at Ottumwa on the second Tuesday after the fourth Tuesday in February and the fourth Tuesday after the third Tuesday in September.

"The clerk of the court for said district shall maintain an office in charge of himself or a deputy at Davenport and at Ottumwa for the transaction of the business of said divisions."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RECLASSIFICATION OF GOVERNMENT EMPLOYEES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8928) to provide for the classification of civilian positions within the District of Columbia and in the field services.

Mr. McKELLAR. I understand the pending question is on the amendment of the Senator from New Hampshire [Mr. MOSES].

The VICE PRESIDENT. That is correct.

Mr. McKELLAR. I want to read the amendment. It is as follows:

The compensation for clerks, first assistant clerks, and second assistant clerks of committees of the Senate, and for the same classification of clerical assistants to Senators who are not chairmen of committees shall be, respectively, $3,600, $2,500, and $2,100 per annum: *Provided*, That the salaries of the clerks and messengers of the Senate Committees on Appropriations, Finance, and Interstate Commerce shall be as now established by law. The compensation for additional clerks now provided by law for committees of the Senate or for Senators who are not chairmen of committees shall be $1,500 per annum.

I favor this amendment. We are just about to pass a reclassification bill in which the salaries of all employees of the Government are raised. Practically everyone seems to think it is the proper thing for the Congress to do. Surely we should treat our own employees in the same fair way that we treat the employees of the other branches of the Government. It does seem to me that our own clerks are entitled to the sums provided for in the amendment presented by the Senator from New Hampshire.

I hope Senators will agree to it. I want to say for my chief clerk that he has earned, ever since he has served me, fully $3,600 a year and even more. I think probably most of the Senators have clerks who have well earned that much money and are entitled to it. It seems to me the amendment ought to be adopted.

Mr. STERLING. Mr. President——

Mr. McKELLAR. I ask the Senator from South Dakota if he will not accept the amendment and let it be agreed to?

Mr. STERLING. I had thought at one time that I could not accept the amendment and that I would move to lay it on the table, but on reflection I have concluded to accept the amendment and let the matter go to conference.

Mr. NORRIS. Mr. President, it seems to me that if Senators will stop and think they will realize that the proposed legislation is illogically placed on the pending bill, if it is placed there. Here we have clerks serving the committee of the Senate, and it is proposed to put them in a law. If the provision should stay in and is passed by the Senate and House and signed by the President, we will have lost control of the clerkships of the Senate committees at once. If we conclude to change one in any way, we would have to pass a law through the House and Senate and have it signed by the President before we could do so.

What would the House think if we should go over there with the reclassification measure covering the clerkships of the Government if we have included in it the committee clerks of the Senate? The House committee clerks and Members' clerks are not included. What would we think if they put that kind of an amendment on general legislation for us to pass? Would we not say, "That is your business. Handle your own clerks; handle your own committees. Provide for whatever assistants you want, and that is what we will do."

It seems to me we are loading the bill down with a fundamentally illogical proposition. It will come home to roost if we put it in the bill. We have control of our committees now. We can regulate, without the action of the House or the President, the assistants that we shall have, but if we once establish the precedent, either House must then go through all the formality of providing through the means of a law before we can change a committeeship or clerkship to a committee, and we will then realize what we are really into.

Mr. JONES of Washington. Does not the Senator also believe that the House might very justly refuse to ask for a conference?

Mr. NORRIS. I should think they might. It seems to me that the House would be justified in resenting the attempt of the Senate to put its clerkships into permanent law.

Mr. CAMERON. Mr. President, I have an amendment which I desire to offer. I ask that the amendment follow the amendment offered by the Senator from New Hampshire.

Mr. KING. Is it an amendment to the amendment, or is it an original amendment.

Mr. CAMERON. It is an amendment to the amendment.

Mr. KING. Let it be reported.

The READING CLERK. Add at the end of the amendment offered by the Senator from New Hampshire the following:

Press gallery assistant superintendent, $1,800; messenger for service to press correspondents, $1,400; office of Sergeant at Arms and Doorkeeper, 43 messengers at $1,800 each.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Nebraska will state the inquiry.

Mr. NORRIS. What was done with the amendment of the Senator from New Hampshire?

The VICE PRESIDENT. The Senator from Arizona is moving an amendment to the amendment of the Senator from New Hampshire.

Mr. NORRIS. Why does not the Senator include the pages, too?

Mr. KING. Does the Senator from Arizona desire to occupy the floor?

Mr. CAMERON. I do not.

THE INTERNATIONAL COURT.

Mr. KING. Mr. President, the admonitions of the able Senator from Nebraska ought to receive the attention of the Senate, but they will probably be unheeded, because congruity and consistency in legislation are not virtues possessed by this Congress. Nor are appeals for the Treasury considered with approval. Indeed, whenever an effort is made to increase appropriations there is in most cases a strong and triumphant

affirmative vote. The Treasury of the United States by many is regarded as common prey. Of course, I am speaking wholly impersonal, but there is, in my opinion, too little regard for the Government, in the matter of appropriations, as a result of which the expenses of the Federal Government are constantly mounting to great heights and the burdens of taxation are becoming more oppressive to the people.

But I did not rise to dilate upon the amendment which was offered by the Senator from New Hampshire, and which I think the Senator from South Dakota [Mr. STERLING] ought not to have accepted. Its incongruity must be manifest to everyone.

The Senator from Nebraska very pertinently inquired why not put upon the reclassification bill a provision for the pages and for every employee in the Capitol—temporary employees, too—converting the reclassification bill into a measure dealing with the employees of the Senate, and which are regarded as temporary positions, wholly within the control of the Senate, regardless of their importance. It is to me a most absurd proposition, and I regret that the able Senator in charge of the bill has felt constrained, evidently in his anxiety to secure the prompt passage of the bill, to accept an amendment dealing with matters not pertinent, not germane, and indeed inconsistent.

Mr. JONES of Washington. May I ask if the Senator from South Dakota has accepted the amendment?

Mr. KING. The Senator indicated quite clearly that it was his purpose to accept it. I think there was some vacillation in his position, but I assume he expected to accept the amendment in order that it might go to conference.

Mr. McKELLAR. I thought the Senator was very outspoken in his acceptance of the amendment.

Mr. KING. I prefer not to accept the statement of the Senator from Tennessee upon the prospective action of the Senator from South Dakota. He may speak for himself, as he does with great lucidity, and I prefer to hear from the Senator from South Dakota as to his purpose in dealing with this amendment.

Mr. NORRIS. Mr. President, will the Senator from Utah yield?

Mr. KING. Certainly.

Mr. NORRIS. The Senator from South Dakota can only accept an amendment as far as he is individually concerned.

Mr. KING. Certainly. There are many Senators who do not accept it.

Mr. NORRIS. We do not accept it at all.

Mr. KING. We rebel against his leadership.

Mr. NORRIS. We rebel against his leadership. We are revolutionists!

Mr. STERLING. I want to say for the benefit of the Senator from Washington that it was my impression that I should move to table the amendment, just as I stated awhile ago when it was presented. But I concluded that I would accept it to end debate and that it might go to conference.

Mr. JONES of Washington. Apparently it is bringing on more debate.

Mr. STERLING. It appears that it has done so.

Mr. KING. I hope that I may now be permitted to conclude the observations which I rose to submit. I shall occupy but a moment.

Before the Senate went into executive session I had secured recognition and was about to call attention to an interesting article appearing in this morning's Republican newspaper, the New York Herald. I was taken from the floor by a motion to proceed to the consideration of executive business. I desire to complete my reference to that article and have it read for the benefit of Republican Senators.

It is a great pleasure to occasionally find a common ground upon which I can stand with the President of the United States. He has recommended many measures, among them the ship subsidy bill and the Fordney tariff bill, which I could not support. He urged with the utmost pertinacity the ship subsidy bill, which a majority of the American people regarded as unwise and subversive of the best interests of the country. But I am glad to support the President in his efforts to secure the adhesion of the United States to the protocol and the statute by which our country will become a member of the permanent court of international justice. The recent message of the President asking the Senate to advise and consent to this action upon the part of this Government is exceedingly important and deserves the commendation of the American people. This policy is in harmony with the best traditions of our country and follows the course advocated by many of our Presidents and ablest statesmen. It will, if accepted, make for world peace and progress.

The President has asked that the United States become a member of the Permanent International Court which has recently been organized and is now functioning at The Hague. He perceives that this great judicial tribunal, in the organization of which Hon. Elihu Root played a most conspicuous part, is important for the peace of the world and that it will contribute powerfully to a diminution of the causes and possibilities of war.

I understand that the Committee on Foreign Relations, a majority of the members being Republicans, has agreed to take no action upon the matter submitted by the President with the earnest request that it should receive the attention of the Senate before adjournment. The senior Senator from Massachusetts [Mr. LODGE] has stated that further consideration of the President's message and request would be postponed until the next session of Congress; and if we are to believe the public press, the President of the United States has acquiesced in this suggestion. I can not believe that the Senator from Massachusetts has been accurately quoted, nor can I believe that the President, who urged in his message the consideration of this important subject before adjournment, has changed his view and is willing that his message be silently buried by the Republicans of the Senate in the musty vaults of the committee room.

Now, Mr. President, I direct attention to the article appearing in this morning's issue of the New York Herald, written by Dr. Nicholas Murray Butler, an eminent Republican, a man of ability and erudition, and who is able to speak with authority upon national and international questions. I ask that the article may be read at the desk.

The VICE PRESIDENT. The article will be read as requested.

The reading clerk read as follows:

THE INTERNATIONAL COURT—NICHOLAS MURRAY BUTLER IS IN FAVOR OF OUR JOINING IT.

TO THE NEW YORK HERALD: It is with profound regret that I see the great influence of the New York Herald thrown against prompt acceptance of President Harding's recommendation that the United States take steps formally to share in the organization and work of the existing international court of justice and to accept its jurisdiction in justiciable controversies arising between our Nation and any other.

This is not only fixed American policy but in particular it is oft declared Republican Party policy. A reading of the national platforms adopted by the Republican Party at the conventions of 1900, 1904, 1908, 1912, 1916, and 1920 will show the party's developing sense of the importance of this step and the various forms of its declared adherence to the principle involved. The New York State Republican convention which met at Saratoga in 1918 by unanimous vote made a still more definite and specific declaration.

The Sixty-fourth Congress, on August 29, 1916, enacted into law a declaration of the international policy of the United States, which specifically includes a plan for a court of arbitration or other tribunal to which disputed questions between nations shall be referred for adjudication and peaceful settlement.

President Roosevelt's notable speech at Christiania included this principle among the four points of the international program which he then advanced and supported.

The proposal of President Harding is that the American Government shall now definitely act in a way that will make good its oft-repeated declarations of policy. He proposes that we move forward in the only way that is now practicable, namely, by making use of the existing court, whose very framework was fashioned by American thought and on the basis of American experience.

The acceptance of President Harding's recommendation no more involves membership in or dependence on the existing League of Nations than it involves membership in or dependence on the Holy Roman Empire. The League of Nations as now constituted has demonstrated its incapacity to deal in any large and effective way with the economic and political rehabilitation of the world. Indeed, Lord Robert Cecil, one of the league's most earnest supporters, for reasons growing out of domestic politics, recently voted in the House of Commons against referring an important international issue to the league for settlement.

The question as to how best to constitute an effective association of nations for the purpose of declaring and enforcing rules of international law and conduct still awaits a satisfactory answer. In the meantime it is a forward step, and a long forward step, to put the powerful influence of the United States behind the only existing instrumentality for the extension of the rule of law in the life of nations.

The plan which the President proposes may be acted upon at once, and without long months and years spent in additional negotiation and debate over nonessentials. If the present Senate were really representative of American public opinion it would, in my judgment, accept the President's recommendation promptly and with but four or five dissenting votes. So much must always be conceded to that stubbornly reactionary element among us which finds some reason for resisting progress in any of its forms. The New York Herald, however, does not belong in any such group.

From the viewpoint of party politics there is strong reason to believe that if a supposedly Republican Senate should fail to follow the President's leadership in making good repeated Republican Party promises and in moving forward effectively along lines of traditional American policy in international relations the elections of 1922 will seem like a summer zephyr when compared with the hurricane that will blow in November, 1924.

NICHOLAS MURRAY BUTLER.

NEW YORK, *March 1.*

Mr. KING. Mr. President, just a word. It is evident that this distinguished Republican considers that there is still an unsettled international problem, one which affects the relations

of the United States to other nations. He does not say that the League of Nations is dead, but it is apparent from his presentation that he perceives that there must be cooperation between world powers and that an international court is important in the development of a better international spirit and in the promotion of world peace. May I say to those who lay the flattering unction to their souls that the League of Nations is dead and that the advocates of national selfishness have destroyed any future hope of international cooperation that they will have a rude awakening. The world is vibrant with the spirit of fellowship and cooperation, and notwithstanding the animosities and conflicts which now threaten another conflagration, there are forces, moral and ethical and spiritual, which, operating powerfully throughout the world, will in the end still the tempests and bring into happy accord the nations and peoples of the world. This is not the time for the cynic, the narrow and selfish individualist or nationalist; it is the hour when real leadership is needed, when men of vision and faith and loyalty to the universal truths of nature and the indestructible forces of righteousness, and the principles of Christian unity and fellowship shall carry the banner and point the way to world solidarity. The American people are in favor of cooperation between the United States and other nations; they are in favor of an economic conference for the purpose of stabilizing exchange, aiding in trade and commerce, and in the promotion of the peace of the world. They are particularly anxious that the United States should participate in the great international tribunal now functioning at The Hague and contribute, materially and otherwise, to the establishment of this great court, which though outgrowth of the League of Nations, has been recognized as a world tribunal and as an assurance of the development of the spirit of law and the forces which promote order and international good will.

RECLASSIFICATION OF GOVERNMENT EMPLOYEES.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8928) to provide for the classification of civilian positions within the District of Columbia and in the field services.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Arizona [Mr. CAMERON] to the amendment of the Senator from New Hampshire [Mr. MOSES].

Mr. CAMERON. I ask for a division.

The question being put, on a division, the amendment to the amendment was rejected.

The VICE PRESIDENT. The question is on the amendment of the Senator from New Hampshire.

Mr. McKELLAR. Mr. President, I do not see the author of the amendment here, but I desire to offer the following amendment to the amendment:

The secretary to the Vice President, $5,000.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from New Hampshire to the committee amendment. [Putting the question.] The noes have it.

Mr. McKELLAR. I ask for the yeas and nays.

The yeas and nays were not ordered, and the amendment to the amendment was rejected.

Mr. SMOOT. I desire to offer another amendment which I have just noticed should be made. Title by which the act may be cited is stated as being "The classification act of 1922." I move, on page 1, line 4, to strike out the figures "1922" and to insert "1923."

Mr. STERLING. I had it in mind to offer that amendment.

The VICE PRESIDENT. Without objection, the amendment to the committee amendment is agreed to. The question is on agreeing to the committee amendment as amended.

Mr. McKELLAR. I offer the following amendment to the bill, to be inserted in the proper place:

The compensation for the clerks, first assistant clerks, and second assistant clerks of committees of the Senate and for the same classification of clerical assistants to Senators who are not chairmen of committees shall be, respectively, $3,300, $2,200, and $2,000 per annum: *Provided*, That the salaries of the clerks and messengers of the Senate Committees on Appropriations, Finance, and Interstate Commerce shall be as now established by law. The compensation for additional clerks now provided by law for committees of the Senate or for Senators who are not chairman of committees shall be $1,500 per annum. The compensation for the secretary to the Vice President shall be $4,500.

Mr. President, I merely wish to say that, as compared with the amendment offered by the Senator from New Hampshire, my amendment proposes a reduction of $300 in the salaries of the principal clerks of Senators, $200 in the salaries of the first assistant clerks, and $100 in the salaries of the second assistant clerks, so that their salaries will be, respectively, $3,300, $2,200, and $2,000, leaving the salary of the fourth clerk as heretofore. It seems to me that the clerks are entitled to this amount of consideration, and I hope that Senators will vote for the amendment.

Mr. SMOOT. What did the Senator from Tennessee say the increase would be in the salary of the first clerks of Senators?

Mr. McKELLAR. The salary of those clerks would be $3,300 instead of $2,750 per annum.

Mr. SMOOT. That $2,750 includes the bonus.

Mr. McKELLAR. It includes the bonus, as everybody knows. They get $2,750 now, while under the amendment they would get $3,300. It does seem to me we ought to do this much in justice to our clerks, and I hope the Senate will adopt the amendment.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Tennessee to the committee amendment.

Mr. NORRIS. I ask that the amendment proposed by the Senator from Tennessee to the committee amendment may be read.

The VICE PRESIDENT. The amendment proposed by the Senator from Tennessee to the committee amendment will be read.

The reading clerk read the amendment to the amendment.

Mr. SMOOT. Mr. President, if that amendment should be adopted and should become a law, how could a Senator get rid of his secretary or clerk if he wanted to? Senators are not going to release all their power over the clerks in their offices; but if this bill shall finally be passed with this amendment in it the provisions of the amendment would become law, and would be fixed.

Mr. McKELLAR. Will the Senator explain why that would be?

Mr. SMOOT. Because the provisions of the amendment would become statute law, and hereafter the Appropriations Committee would have nothing to do with making any changes so far as the clerks of committees and other clerks are concerned.

Mr. McKELLAR. There is a law now fixing the salaries of these employees precisely in the same way.

Mr. SMOOT. No; the number and salaries of these employees are fixed every year and changes are made from year to year. This amendment, if adopted and finally passed, would become the fixed law. I do not want to be in a position where I am compelled to have a clerk that I can not get rid of.

Mr. STANLEY. Mr. President, I wish to ask the Senator from Utah a question.

Mr. SMOOT. I yield.

Mr. STANLEY. I will ask the Senator to explain how this amendment changes the tenure of office of the secretaries and clerks to Senators who are now in office.

Mr. SMOOT. The amendment, if adopted, would fix by permanent law the salaries of the clerks. Under present conditions if I want to make a change I simply appoint another man and give notice of that appointment to the financial clerk of the Senate. In that way I can make a change in my office any time I want to do so.

Mr. McKELLAR. That could be done in precisely the same way under this amendment if it should become a part of the law.

Mr. SMOOT. There is nothing in the amendment which so provides.

Mr. McKELLAR. There is nothing to provide that it can not be done. I might also say there is nothing in the present law which provides that it can or can not be done, but, of course, a Senator can change his secretary or clerk whenever he desires to under the present law, and he could do so under this amendment.

Mr. SMOOT. I wish to say to the Senator that if the amendment should finally be adopted its provisions would become a law just as any other act of Congress and would remain on the statute books until a subsequent act of Congress repealed it. The appropriations for our employees are made annually, and there is not a year that some kind of a change is not made, not only as to the number of clerks in some of the committees, due to changed conditions, but likewise salaries are changed and made different in the case of one committee as compared to another. Under this amendment, however, if it should finally prevail, if a change were desired, we would have to amend the law, which would open the whole question every year, and perhaps even twice a year.

Mr. STANLEY. Could the amendment of the Senator from Tennessee be so amended as to remedy that defect?

Mr. SMOOT. I do not think so. The Senate has always maintained the right of appropriating whatever they wanted to

provide for their employees and for all expenses to be paid out of the contingent fund of the Senate. The House has maintained the same right on its part. The Senate never undertakes on an appropriation bill to affect in any way the employees of the House. I remember one case during the 20 years I have been here when such an attempt was made, and I recall what occurred in the House of Representatives. I felt that the House was absolutely right. The custom to which I have referred of each House providing for its own employees has prevailed ever since the two Houses were first organized.

Mr. HARRELD. Mr. President, who fixes the salaries under the present system? I have never known the question to come before the Senate.

Mr. SMOOT. Mr. President, they are fixed by the Appropriations Committee.

Mr. HARRELD. No one else has anything to say about them?

Mr. SMOOT. Each Senator has a say. There is not a year that some Senator does not come before the committee and ask that a change be made.

Mr. HARRELD. I do not see why Senators would not have the same right under the proposed amendment.

Mr. SMOOT. If the amendment were adopted, then, in order to change a salary, we would have to amend the law, for an act of Congress would provide what the salaries shall hereafter be.

Mr. HARRELD. Does not the Senator think it is a good time to let the Senate have some say in these matters, rather than merely the Appropriations Committee?

Mr. NORRIS. Mr. President, the Senate does act on them. The Senate itself has fixed the salaries of its employees and can now fix by rule the salary of each one of its employees. It can say that the Committee on Civil Service shall have a certain number of clerks and provide what their salaries shall be. The House in the case of a similar committee or any other committee can do and does do the same thing. It would not be proper for us to say to the House, "Your Committee on Agriculture shall have two clerks and one of them shall receive such a salary and the other a certain other salary." They insist on determining the number of their employees and the compensation they shall receive and change it when they please, and we do the same thing here.

Here is an amendment which, if finally adopted, will become a law—not a Senate resolution—and if we should want to change it, it would be necessary to pass a law through both Houses of Congress and it would have to be signed by the President.

Mr. HARRELD. Mr. President, I should like to ask the Senator——

Mr. NORRIS. If this is put on the bill, and goes to the House, the House, in my judgment, will either resent it and refuse even to go to conference on it, or they will pass it and put it in the law as a joke on the Senate.

Mr. McKELLAR. Mr. President, the Senator will recall that just six years ago, I believe—I think the bill was voted on after I was elected to the Senate, and while I was still a Member of the House—the House increased the salaries of their clerks by adding some $1,500, I believe.

Mr. NORRIS. We did not have anything to do with that.

Mr. McKELLAR. Oh, yes; it was passed by the House, and the Senate agreed to it.

Mr. NORRIS. No; the House fixed that.

Mr. McKELLAR. Oh, no; it was in the form of a law, and was put in the appropriation bill, and the Senate had to agree to it.

Mr. NORRIS. Yes; when we pass an appropriation bill, no matter who gets the money or where it goes, it has to be in the form of a law.

Mr. McKELLAR. The Senate had to agree to it, and it did agree to it, just exactly as the House will agree to the compensation of our employees being fixed here. Why, of course the House is not going to take issue with the Senate about what compensation shall be paid to Senate employees. I do not believe it will object to it in the slightest degree.

Mr. President, of course we are changing the law; yes. The salaries of our clerks now are $2,500, and while this reclassification bill is being passed some of us believe that our secretaries should receive more. I think they earn more. I know mine does, and I believe the secretaries of other Senators do, and it is nothing but fair and right.

This talk about a Senator not having control of his clerk under this law is simply—well, I will not characterize it. I will just say that the Senator is wholly mistaken about it. A Senator will have the same right to discharge or change his clerk that he has now. There is no change in the world in the status of the clerk. A Senator has a perfect right to discharge his clerk or change his clerk at any time. The only effect of this amendment will be to increase the salary from $2,740 to $3,300, in the case of the chief secretary. I think that when we are raising the salary of every other employee of the Government here in the city of Washington, it is as little as we can do to give to our secretaries a fair and reasonable wage for the work done.

Every Senator knows how valuable his secretary is to him. He has to go early and late. He is at the departments every day. He is at work all the time in the majority of cases, and he is entitled to $3,300 rather than $2,750. The only issue here is whether we are going to give him the increase in salary to which he is entitled, or whether we are not. There is no other question involved.

Mr. NORRIS. Mr. President, to accomplish what the Senator wants to accomplish will require a Senate resolution only. It is not necessary to pass a bill to get it, and we will not get anywhere with this law.

Mr. LENROOT. Mr. President, I am in favor of this increase. I so voted yesterday. I shall vote against this amendment, however, because there is only a slight possibility at best of the reclassification bill being passed by the House to-morrow. It is certain that it will not be passed if we are to include the salaries of secretaries and clerks to Senators, not because the House would attempt to fix them, but because if we include ours they will insist upon amendments including theirs, and in my judgment it will mean the certain defeat of the bill. Therefore, I shall vote against the amendment to the amendment.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Tennessee [Mr. McKELLAR] to the amendment of the committee. [Putting the question:] The "noes" have it, and the amendment to the amendment is rejected.

Mr. McKELLAR and Mr. HEFLIN called for the yeas and nays.

The VICE PRESIDENT. Is the demand seconded?

The yeas and nays were not ordered.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. Let the roll be called.

The roll was called, and the following Senators answered to their names:

Ball	Fernald	McCormick	Sheppard
Bayard	George	McCumber	Shortridge
Brandegee	Hale	McKellar	Smith
Brookhart	Harreld	McKinley	Smoot
Bursum	Harris	McNary	Stanley
Calder	Heflin	Moses	Sterling
Cameron	Jones, Wash.	Norris	Sutherland
Capper	Kellogg	Oddie	Wadsworth
Cummins	Keyes	Overman	Walsh, Mass.
Curtis	King	Pepper	Willis
Dial	La Follette	Ransdell	
Dillingham	Lenroot	Reed, Pa.	
Ernst	Lodge	Robinson	

The VICE PRESIDENT. Forty-nine Senators have answered to their names. A quorum is present. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. STERLING. I move that the Senate insist on its amendment and request a conference with the House, and that the Chair appoint the conferees upon the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. STERLING, Mr. SMOOT, and Mr. McKELLAR conferees on the part of the Senate.

ENROLLED BILLS PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that on March 2, 1923, they presented to the President of the United States the following enrolled bills:

S. 4197. An act to authorize the Secretary of the Interior to issue to certain persons and certain corporations permits to explore, or leases of, certain lands that lie south of the medial line of the main channel of Red River, in Oklahoma, and for other purposes;

S. 4583. An act granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Charles Mix County and Gregory County, S. Dak.;

S. 4579. An act to authorize the Lee County bridge district No. 2, in the State of Arkansas, to construct a bridge over the St. Francis River;

S. 4122. An act granting the consent of Congress to the Interstate Toll Bridge Co. for construction of a bridge across Red River between Montague County, Tex., and Jefferson County, Okla.;

S. 4235. An act granting the consent of Congress to the Charlie Bridge Co. for construction of a bridge across Red River between Clay County, Tex., and Cotton County, Okla.; and

S. 4387. An act to authorize the building of a bridge across the Tugaloo River, between South Carolina and Georgia.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed without amendment the joint resolution (S. J. Res. 282) to amend the resolution of December 29, 1920, entitled "Joint resolution to create a Joint Committee on the Reorganization of the Administrative Branch of the Government."

The message also announced that the House had passed the bill (S. 4160) to amend the act of Congress entitled "An act to establish a commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes," approved September 22, 1922, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 4216) authorizing the sale of real property no longer required for military purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 14401) to amend and modify the war risk insurance act, in which it requested the concurrence of the Senate.

MISSISSIPPI RIVER FLOOD CONTROL.

Mr. CURTIS. Mr. President, I move that the Senate take a recess until 11 o'clock to-morrow morning.

Mr. JONES of Washington. Mr. President, I hope the Senator will withhold that motion for a moment.

Mr. McCUMBER. I hope the Senator will withhold the motion.

Mr. CURTIS. I am willing to withhold it for a moment, just for routine business, but not for any debate.

Mr. RANSDELL. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Louisiana?

Mr. CURTIS. I yield to the Senator from Louisiana.

Mr. RANSDELL. I ask unanimous consent for the consideration of the flood control bill which is lying on the table.

The VICE PRESIDENT. The Secretary will state the title of the bill.

The READING CLERK. A bill (H. R. 13810) to continue the improvement of the Mississippi River and for the control of its floods.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

Mr. SMOOT. Let it be read.

The VICE PRESIDENT. The Secretary will read the bill.

The reading clerk read the bill, as follows:

Be it enacted, etc., That for controlling the floods of the Mississippi River and continuing its improvement from the Head of the Passes to the mouth of the Ohio River, in accordance with the provisions of section 1 of "An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes," approved March 1, 1917, the Secretary of War is hereby empowered, authorized, and directed to carry on continuously, by hired labor or otherwise, the plans of the Mississippi River Commission heretofore or hereafter adopted, to be paid for as appropriations may from time to time be made by law; and a sum not to exceed $10,000,000 annually is hereby authorized to be appropriated for that purpose for a period of six years beginning July 1, 1924.

Any funds which may hereafter be appropriated under authority of this act, and which may be allotted to works of flood control, may be expended upon any part of the Mississippi River between the Head of the Passes and Rock Island, Ill., and upon the tributaries and outlets of said river in so far as they may be affected by the flood waters of said river.

Mr. SMOOT. Mr. President, I do not understand why that last paragraph is in the bill.

Mr. CURTIS. If it is going to lead to debate, I must object.

Mr. RANSDELL. It will not lead to debate. I can explain it, I think, to the Senator's satisfaction in two minutes.

Mr. SMOOT. I just want to call attention to the reason why it seems to me so improper to be in this bill, and then the Senator can aswer or not, as he pleases. I want to call the attention of the Senator to the wording of that paragraph:

Any funds which may hereafter be appropriated—

It makes no difference when, no difference what amount is to be expended as this measure provides if it becomes a law, I do not remember any such provision ever being put into a law. If the Senator has any reason why any such provision as that should be enacted into law, I should like to know it.

Mr. RANSDELL. I will say that those terms were very carefully worked out by the president of the Mississippi River Commission and the Chief of Engineers. It is to authorize the Mississippi River Commission to expend such sums as we may appropriate under the terms of this act on any works of flood control on the river, or on the tributaries, where we have authorized the commission to expend money.

Mr. ROBINSON. Mr. President, that has been in the law all the time, ever since the jurisdiction of the Mississippi River Commission was extended.

Mr. RANSDELL. It does not change the law at all, as I understand it.

Mr. SMOOT. I dislike to even suggest that the Senator from Arkansas is mistaken, and I do not know that he is.

Mr. ROBINSON. I am not mistaken. My own recollection is confirmed by the statement of one more familiar with flood-control matters than anyone else, the senior Senator from Louisiana; and it is necessary, especially for the administration of the funds in cases of emergency. It would be difficult to provide for emergent conditions if that provision were not in the law.

Mr. SMOOT. I want to call attention to one more thing, and then I shall say no more. This bill calls for $60,000,000. Yesterday evening, just before adjournment, the Republican Party was charged with making extravagant appropriations, and with appropriating more money than we did a year ago. Now we are faced with a $60,000,000 appropriation.

Mr. RANSDELL. The bill does not appropriate a cent. It authorizes an appropriation for a term of six years.

Mr. SMOOT. Of course, the Senator knows the money is to be paid. If it was not, the Senator would not be asking for the passage of the bill.

Mr. RANSDELL. Only as hereafter appropriated.

Mr. SMOOT. Of course, we know it will be appropriated. Does the Senator think there is a Senator on this floor who would hesitate one moment to vote to appropriate the money after the passage of this act?

Mr. RANSDELL. It is not an appropriation now; it is to cover a period of six years, and it may last a longer period than six years. The flood control act did.

Mr. SMOOT. I think we all understand just what it means. I know that if it passes, Senators will never see me standing upon the floor of the Senate and objecting to an appropriation to conform with the act as it is passed to-day. Any Senator would be unreasonable and unjust; he would have no reason to advance for such an act. It means an appropriation of money.

If the Senate and the House feel that the money should be appropriated, well and good. I am not objecting to it, but I simply wanted to call attention to the fact that Senators cry loudly about appropriations made by this administration, caused many and many and many a time on account of the recent war, and to readjust conditions which have been caused in this country through the war, by the last administration. If they are to be charged to an administration, though I do not want to do that, I want to say that those things ought to be taken into consideration.

I am not going to object to the passage of the bill at this time. I simply wanted to say that, because I want at least to have some semblance of justice and right in criticisms which may be directed to this side of the Chamber.

Mr. RANSDELL. I sympathize with the Senator's remarks, and I hope we can have a vote.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CURTIS. I yield to the Senator from North Dakota [Mr. McCUMBER].

INCOME TAX OF NONRESIDENT ALIENS.

Mr. McCUMBER. I ask unanimous consent for the present consideration of the bill (H. R. 14050) to amend the revenue act of 1921 in respect to income tax of nonresident aliens.

The VICE PRESIDENT. The bill will be read for information.

The bill was read, as follows:

Be it enacted, etc., That section 210 of the revenue act of 1921 is amended, to take effect January 1, 1922, to read as follows:

"NORMAL TAX.

"SEC. 210. (a) That in lieu of the tax imposed by section 210 of the revenue act of 1918 there shall be levied, collected, and paid for each taxable year upon the net income of every individual (except as provided in subdivision (b) of this section) a normal tax of 8 per cent of the amount of the net income in excess of the credits provided in sec-

tion 216, except that in the case of a citizen or resident of the United States the rate upon the first $4,000 of such excess amount shall be 4 per cent.

"(b) In lieu of the tax imposed by subdivision (a) there shall be levied, collected, and paid for the taxable year 1922 and each taxable year thereafter, upon the net income of every nonresident alien individual, a resident of a contiguous country, a normal tax equal to the sum of the following:

"(1) Four per cent of the amount of the net income attributable to compensation for labor or personal services performed in the United States in excess of the credits provided in subdivisions (d) and (e) of section 216; but the amount taxable at such 4 per cent rate shall not exceed $4,000; and

"(2) Eight per cent of the amount of the net income in excess of the sum of (A) the amount taxed under paragraph (1) plus (B) the credits provided in section 216."

SEC. 2. That subdivision (e) of section 216 of the revenue act of 1921 is amended, to take effect January 1, 1922, to read as follows:

"(e) In the case of a nonresident alien individual, or of a citizen entitled to the benefits of section 262, the personal exemption shall be only $1,000. The credit provided in subdivision (d) shall not be allowed in the case of a nonresident alien individual unless he is a resident of a contiguous country, nor in the case of a citizen entitled to the benefits of section 262."

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

READJUSTMENT OF LOSSES OF DISBURSING AGENTS.

Mr. JONES of Washington. Mr. President, last evening we placed an amendment on the deficiency appropriation bill, urged very strongly by the Secretary of Commerce, to provide for the readjustment by the accounting office of the losses of disbursing officers for exchange, and so forth, provided under appropriation acts, but which thereafter they were deprived of by a ruling of the comptroller just for certain years. The conferees on the deficiency appropriation bill had to leave the amendment out of the report, because it was legislation on the bill.

The Committee on Commerce has authorized a favorable report upon the measure, and I want to say that it has been favorably reported by the Interstate Commerce Committee of the House and is on the House Calendar. I believe if we can pass it now, we can get it through the House, and it will enable not only a correction of an injustice to men who deserve this action but will also save others from a very great injustice. I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The bill S. 4637 will be reported for the information of the Senate.

The bill was read, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to allow credit in the respective accounts of disbursing agents under the Department of Commerce for payment of loss by exchange on salary and per diem checks issued under appropriations respectively for the fiscal years 1917 to 1922, inclusive, containing a provision for "exchange on official checks," the accounts of which payments may have been heretofore settled or may hereafter become the matter of settlement.

Mr. ROBINSON. Mr. President, the provisions of the bill having passed the Senate in connection with the deficiency appropriation bill, I see no objection to the passage of the bill.

The VICE PRESIDENT. Is there objection to its immediate consideration?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADJOURNMENT.

Mr. CURTIS. I understand there are some House bills which were not disposed of this morning, and therefore I move that the Senate adjourn until 11 o'clock to-morrow.

Mr. SMITH. Before the Chair puts the motion, is it proposed that we shall have a morning hour to-morrow?

Mr. CURTIS. Yes. I move that the Senate adjourn until 11 o'clock to-morrow.

Mr. McNARY. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Oregon?

Mr. CURTIS. No; I can not yield.

Mr. McNARY. I want to call up a House joint resolution. It will not take——

Mr. CURTIS. I can not yield for that to-night. I insist on my motion to adjourn.

The motion was agreed to; and the Senate (at 8 o'clock and 55 minutes p. m.) adjourned until to-morrow, Saturday, March 3, 1923, at 11 o'clock a. m.

CONFIRMATION OF JUDGE JOHN F. M'GEE.

In executive session this day, during the consideration of the nomination of John F. McGee, of Minnesota, to be United States district judge for the district of Minnesota, on request of Mr. LA FOLLETTE, and by unanimous consent, the injunction of secrecy was removed from certain votes and proceedings in connection therewith, as follows:

Mr. LA FOLLETTE moved that the nomination be postponed during the remainder of this session of Congress.

Mr. McNARY moved to amend the motion of Mr. LA FOLLETTE so as to postpone the consideration of the nomination until to-morrow, Saturday, March 3, 1923.

On Mr. McNARY's motion, Mr. LA FOLLETTE called for the yeas and nays, and they were ordered.

The question being taken by yeas and nays, resulted—yeas 30, nays 31, as follows:

YEAS—30.

Bayard	Gerry	Lenroot	Robinson
Brookhart	Harris	McCormick	Sheppard
Broussard	Harrison	McNary	Smith
Capper	Johnson	Moses	Stanley
Caraway	Jones, N. Mex.	Norbeck	Walsh, Mass.
Couzens	Jones, Wash.	Norris	Walsh, Mont.
France	King	Owen	
George	La Follette	Ransdell	

NAYS—31.

Ball	Dial	Kellogg	Shortridge
Brandegee	Dillingham	Keyes	Smoot
Bursum	Edge	Lodge	Sterling
Calder	Ernst	McCumber	Sutherland
Cameron	Fernald	McKinley	Wadsworth
Colt	Frelinghuysen	Oddie	Weller
Cummins	Hale	Reed, Pa.	Willis
Curtis	Harreld	Shields	

NOT VOTING—35.

Ashurst	Kendrick	Page	Stanfield
Borah	Ladd	Pepper	Swanson
Culberson	McKellar	Phipps	Townsend
Elkins	McLean	Pittman	Trammell
Fletcher	Myers	Poindexter	Underwood
Glass	Nelson	Pomerene	Warren
Gooding	New	Reed, Mo.	Watson
Heflin	Nicholson	Simmons	Williams
Hitchcock	Overman	Spencer	

So Mr. McNARY's motion was rejected.

The question then recurred, on the motion of Mr. LA FOLLETTE, to postpone the consideration of the nomination for the remainder of the session.

On this motion Mr. LA FOLLETTE called for the yeas and nays, and they were ordered.

The question being taken by yeas and nays resulted—yeas 13, nays 45, as follows:

YEAS—13.

Brookhart	Jones, N. Mex.	Norris	Walsh, Mass.
Capper	King	Owen	
Couzens	La Follette	Sheppard	
Johnson	Norbeck	Stanley	

NAYS—45.

Ball	Dillingham	Kellogg	Shortridge
Bayard	Edge	Keyes	Smith
Brandegee	Ernst	Lenroot	Smoot
Broussard	Fernald	Lodge	Sterling
Bursum	France	McCormick	Sutherland
Calder	Frelinghuysen	McCumber	Wadsworth
Cameron	George	McKinley	Walsh, Mont.
Caraway	Gerry	Moses	Weller
Colt	Hale	Oddie	Willis
Cummins	Harreld	Reed, Pa.	
Curtis	Harrison	Robinson	
Dial	Jones, Wash.	Shields	

NOT VOTING—38.

Ashurst	Kendrick	Page	Stanfield
Borah	Ladd	Pepper	Swanson
Culberson	McKellar	Phipps	Townsend
Elkins	McLean	Pittman	Trammell
Fletcher	McNary	Poindexter	Underwood
Glass	Myers	Pomerene	Warren
Gooding	Nelson	Ransdell	Watson
Harris	New	Reed, Mo.	Williams
Heflin	Nicholson	Simmons	
Hitchcock	Overman	Spencer	

So the motion was rejected.

The question then was, Shall the Senate advise and consent to the nomination? on which Mr. LA FOLLETTE called for the yeas and nays, and they were ordered.

The question being taken by yeas and nays resulted—yeas 46, nays 11, as follows:

YEAS—46.

Ball	Cummins	George	Lodge
Bayard	Curtis	Gerry	McCormick
Brandegee	Dial	Hale	McCumber
Broussard	Dillingham	Harreld	McKinley
Bursum	Edge	Harrison	Moses
Calder	Ernst	Jones, Wash.	Myers
Cameron	Fernald	Kellogg	Oddie
Caraway	France	Keyes	Reed, Pa.
Colt	Frelinghuysen	Lenroot	Robinson

Shields	Smoot	Wadsworth	Willis
Shortridge	Sterling	Walsh, Mont.	
Smith	Sutherland	Weller	

NAYS—11.

Brookhart	Jones, N. Mex.	Norbeck	Stanley
Capper	King	Norris	Walsh, Mass.
Johnson	La Follette	Sheppard	

NOT VOTING—39.

Ashurst	Hitchcock	Owen	Spencer
Borah	Kendrick	Page	Stanfield
Couzens	Ladd	Pepper	Swanson
Culberson	McKellar	Phipps	Townsend
Elkins	McLean	Pittman	Trammell
Fletcher	McNary	Poindexter	Underwood
Glass	Nelson	Pomerene	Warren
Gooding	New	Ransdell	Watson
Harris	Nicholson	Reed, Mo.	Williams
Heflin	Overman	Simmons	

So the Senate advised and consented to the nomination of John F. McGee, of Minnesota, to be United States district judge for the district of Minnesota.

It was ordered that the President be notified of the confirmation.

NOMINATIONS.

Executive nominations received by the Senate March 2, 1923.

MEMBERS OF THE WORLD WAR FOREIGN DEBT COMMISSION.

The following-named persons to be members of the World War Foreign Debt Commission, under the provisions of the act of Congress approved February 28, 1923:

Carter Glass, of Virginia, United States Senate.

Charles R. Crisp, of Georgia, House of Representatives.

Richard Olney, of Massachusetts.

ASSOCIATE JUDGES OF THE UNITED STATES COURT OF CUSTOMS APPEALS.

Oscar E. Bland, of Indiana, to be associate judge of the United States Court of Customs Appeals, vice Marion De Vries, who was appointed presiding judge.

Charles S. Hatfield, of Ohio, to be associate judge of the United States Court of Customs Appeals, vice George E. Martin, who was appointed presiding judge.

UNITED STATES DISTRICT JUDGES.

John S. Partridge, of California, to be United States district judge, Northern District of California. (Additional position created by the act approved September 14, 1922.)

William P. James, of California, to be United States district judge, Southern District of California. (Additional position created by the act approved September 14, 1922.)

UNITED STATES ATTORNEY.

A. E. Bernsteen, of Ohio, to be United States attorney, Northern District of Ohio, vice Edwin S. Wertz, resigned, effective March 1, 1923.

UNITED STATES MARSHAL.

Stanley Borthwick, of Ohio, to be United States marshal, Southern District of Ohio, vice Michael Devanney, resigned.

COAST AND GEODETIC SURVEY.

Howard Oscar Olson, of South Dakota, to be aid (with relative rank of ensign in the Navy) in the Coast and Geodetic Survey, vice G. H. Everett, resigned.

PROMOTIONS IN THE COAST GUARD.

Lieut. Commander Harry C. Hamlet to be commander, to rank as such from January 12, 1923, to fill an original vacancy created by the act of January 12, 1923.

Lieut. John S. Baylis to be lieutenant commander, to rank as such from January 12, 1923, in place of Lieut. Commander H. G. Hamlet, promoted.

Lieut. (Junior Grade) Raymond T. McElligott to be lieutenant, to rank as such from January 12, 1923, in place of Lieut. E. D. Jones, promoted.

Lieut. (Junior Grade) Robert M. Kaufholz to be lieutenant, to rank as such from January 12, 1923, in place of Lieut. J. S. Baylis, promoted.

Lieut. (Engineering) Webb C. Maglathlin to be lieutenant commander (engineering), to rank as such from January 12, 1923, to fill a vacancy as extra number authorized by the act of January 12, 1923.

Lieut. (Junior Grade) Joseph E. Stika to be lieutenant, to rank as such from January 12, 1923, in place of Lieut. Le Roy Reinburg, promoted.

Each of the above-named officers has passed the examinations required by law.

POSTMASTERS.

ALABAMA.

Martin E. Forsyth to be postmaster at Union Springs, Ala., in place of B. L. Perry. Incumbent's commission expired September 5, 1922.

ARIZONA.

Harry G. White to be postmaster at Glendale, Ariz., in place of J. W. Hawks. Incumbent's commission expired September 5, 1922.

Alfred R. Kleindienst to be postmaster at Winslow, Ariz., in place of J. H. Gibson. Incumbent's commission expired November 21, 1922.

ARKANSAS.

Hiliary H. Dawson to be postmaster at Prescott, Ark., in place of Jack Grayson, deceased.

Bing Moody to be postmaster at Bald Knob, Ark., in place of R. H. Clark, resigned.

Milton R. Stimson to be postmaster at Brinkley, Ark., in place of J. H. Stack. Incumbent's commission expired September 5, 1922.

John S. Bowden to be postmaster at Russellville, Ark., in place of J. L. Ragsdale, resigned.

Carrick W. White to be postmaster at Walnut Ridge, Ark., in place of J. W. Pinnell, removed.

CALIFORNIA.

H. D. Priest to be postmaster at Mount Lowe, Calif., in place of N. B. Vickrey, resigned.

William Junkans to be postmaster at Redding, Calif., in place of Alexander Ludwig. Incumbent's commission expired January 24, 1922.

Charles S. Graham to be postmaster at Pleasanton, Calif., in place of I. F. Sylvia, resigned.

Anna R. Mixon to be postmaster at Woodland, Calif., in place of E. I. Leake. Incumbent's commission expired September 5, 1922.

Cassius C. Olmsted to be postmaster at San Rafael, Calif., in place of Michael F. Cochrane. Incumbent's commission expired January 24, 1922.

COLORADO.

Harry A. Cobbett to be postmaster at Cedaredge, Colo., in place of F. W. Childs, resigned.

Idamay Spurlock to be postmaster at Fair Play, Colo., in place of Idamay Spurlock. Office became third class January 1, 1923.

Wiley O. Reynolds to be postmaster at Fort Lyon, Colo., in place of W. O. Reynolds. Office became third class January 1, 1923.

Jesse W. Noble to be postmaster at Manitou, Colo., in place of C. E. Leibold, deceased.

CONNECTICUT.

Edward S. Lewis to be postmaster at Portland, Conn., in place of E. F. Daly. Incumbent's commission expired September 5, 1922.

Edwin H. Keach to be postmaster at Danielson, Conn., in place of R. E. Allen. Incumbent's commission expired December 6, 1922.

FLORIDA.

Mabel Miller to be postmaster at Littleriver, Fla., in place of T. O. Norris. Office became third class October 1, 1922.

GEORGIA.

Ralph A. Waters to be postmaster at Alpharetta, Ga., in place of G. D. Rucker, deceased.

Mattie M. Lewis to be postmaster at Fayetteville, Ga., in place of S. B. Lewis. Incumbent's commission expired August 7, 1921.

Huram R. Hancock to be postmaster at Maysville, Ga., in place of C. C. Jarrard, resigned.

George H. Ray to be postmaster at Norwood, Ga., in place of E. S. Ray. Office became third class January 1, 1921.

Will C. Woodall to be postmaster at Woodland, Ga., in place of R. E. Trussell. Office became third class July 1, 1922.

IDAHO.

Allen H. Smith to be postmaster at Roselake, Idaho, in place of L. V. LeGore, resigned.

Fred V. Diers to be postmaster at Mackay, Idaho, in place of W. A. Criswell. Incumbent's commission expired September 5, 1922.

ILLINOIS.

Walter B. Dunlap to be postmaster at Bath, Ill., in place of W. B. Lindsay, declined.

William S. Brownlow to be postmaster at Chapin, Ill., in place of Alice Anderson. Office became third class January 1, 1923.

Levi H. Perryman to be postmaster at Cowden, Ill., in place of S. A. D. Howe, resigned.

Edward S. Breithaupt to be postmaster at Gifford, Ill., in place of J. S. Barnes. Office became third class April 1, 1922.

Raymond W. Pfeifer to be postmaster at Mascoutah, Ill., in place of Carl Montag. Incumbent's commission expired October 24, 1922.

Herman Meyer to be postmaster at Niles Center, Ill., in place of George Busscher, jr. Office became third class October 1, 1922.

William McKinley to be postmaster at Ogden, Ill., in place of P. J. McKinney, removed.

Mary A. Barkmeier to be postmaster at San Jose, Ill., in place of G. H. Barkmeier, deceased.

George H. Duncan to be postmaster at Villa Grove, Ill., in place of O. C. Hays, resigned.

Russell F. Jones to be postmaster at Catlin, Ill., in place of G. S. Fleming, removed.

William M. Karr to be postmaster at Flora, Ill., in place of B. F. Wineland, removed.

Amanda L. Kobisk to be postmaster at Lombard, Ill., in place of W. J. Dobberstein, declined.

David S. Cossairt to be postmaster at Potomac, Ill., in place of E. R. Duncan, removed.

William A. Bussert to be postmaster at Sheldon, Ill., in place of H. R. Hootman, resigned.

Raymond B. Pearce to be postmaster at White Hall, Ill., in place of J. E. Wyatt, resigned.

Emery S. Waid to be postmaster at Winchester, Ill., in place of T. B. Lyons, resigned.

William H. Weathers to be postmaster at Magnolia, Ill., in place of J. J. Dunne. Office became third class October 1, 1922.

Sylvester H. DePew to be postmaster at Zion, Ill., in place of M. N. Price. Incumbent's commission expired October 24, 1922.

INDIANA.

Andrew G. Kauffman to be postmaster at Atlanta, Ind., in place of H. E. Snyder, removed.

Walter R. O'Neal to be postmaster at Carlisle, Ind., in place of Tilghman Ogle. Incumbent's commission expired September 5, 1922.

Harvey E. Mayall to be postmaster at Decker, Ind., in place of M. J. Mayall. Office became third class July 1, 1922.

John M. Sweeney to be postmaster at Dugger, Ind., in place of N. W. Ringo. Incumbent's commission expired January 27, 1922.

Alfred W. Hill to be postmaster at Shelburn, Ind., in place of R. H. Heath, resigned.

Addison N. Worstell to be postmaster at Valparaiso, Ind., in place of J. T. Scott, resigned.

IOWA.

Calvin L. Sipe to be postmaster at Sioux Rapids, Iowa, in place of C. P. Sickles. Incumbent's commission expired November 21, 1922.

Eva L. Woods to be postmaster at Cambridge, Iowa, in place of J. T. Larson, resigned.

Charles B. Abbott to be postmaster at Imogene, Iowa, in place of F. W. Gee. Office became third class October 1, 1922.

Albert L. Clark to be postmaster at Lanesboro, Iowa, in place of Agnes Brand. Office became third class October 1, 1922.

Arthur C. Schnurr to be postmaster at New Hampton, Iowa, in place of H. F. A. Hilmer. Incumbent's commission expired September 5, 1922.

Isaac J. Phillips to be postmaster at Hiteman, Iowa, in place of J. V. Frew, resigned.

Hiram E. Morrison to be postmaster at Seymour, Iowa, in place of W. B. Perkins. Incumbent's commission expired September 7, 1920.

Fred A. Hall to be postmaster at Van Wert, Iowa, in place of M. E. Edwards. Office became third class October 1, 1922.

Kate R. Weston to be postmaster at Webster City, Iowa, in place of W. S. Weston, deceased.

KANSAS.

William H. Dittemore to be postmaster at Severance, Kans., in place of V. J. Kirvan, resigned.

Melvin F. Gardner to be postmaster at Greenleaf, Kans., in place of D. G. M. Keen, deceased.

Joseph P. Fern to be postmaster at Scammon, Kans., in place of J. P. Fern. Incumbent's commission expired September 13, 1922.

Louisa Allender to be postmaster at Axtell, Kans., in place of Imogene Ream, resigned.

Robert T. Smith to be postmaster at Caldwell, Kans., in place of Bowles Unsell. Incumbent's commission expired September 13, 1922.

Edward R. Dannefer to be postmaster at Cuba, Kans., in place of Bertha McDonald. Incumbent's commission expired March 16, 1921.

M. Blanche Perry to be postmaster at Culver, Kans., in place of N. A. Lockard. Office became third class April 1, 1922.

Howard F. Heleker to be postmaster at Frankfort, Kans., in place of Adelaide Brandenburg. Incumbent's commission expired September 13, 1922.

Charles N. Wooddell to be postmaster at Nickerson, Kans., in place of G. W. Sain, jr. Incumbent's commission expired September 13, 1922.

Herbert M. Bentley to be postmaster at Sterling, Kans., in place of J. M. Little. Incumbent's commission expired September 13, 1922.

KENTUCKY.

Jewell S. Webb to be postmaster at Earlington, Ky., in place of I. E. Newton. Incumbent's commission expired December 6, 1922.

Samuel W. Crump to be postmaster at Glasgow Junction, Ky., in place of J. B. Hatcher. Office became third class October 1, 1922.

Harry Beall to be postmaster at Warsaw, Ky., in place of G. W. Snyder. Incumbent's commission expired October 3, 1922.

Herbert B. Duncan to be postmaster at New Castle, Ky., in place of A. M. Edwards, resigned.

James Osborne to be postmaster at Wayland, Ky., in place of A. E. Hart. Office became third class January 1, 1921.

Leander Johnson to be postmaster at Weeksbury, Ky., in place of Leander Johnson. Office became third class January 1, 1921.

LOUISIANA.

Jesse L. Fowler to be postmaster at Oak Grove, La., in place of J. L. Fowler. Incumbent's commission expired December 18, 1922.

Laurence E. Wilson to be postmaster at Oil City, La., in place of L. E. Wilson. Incumbent's commission expired November 21, 1922.

Frank S. Gianelloni to be postmaster at Paincourtville, La., in place of F. S. Gianelloni. Office became third class January 1, 1923.

MAINE.

Adelbert J. Burns to be postmaster at National Soldiers' Home, Me., in place of E. R. Hayes, removed.

MARYLAND.

William L. Marcy to be postmaster at Annapolis, Md., in place of T. J. Linthicum. Incumbent's commission expired September 5, 1922.

Gustavus R. Timanus to be postmaster at Laurel, Md., in place of E. P. Haslup. Incumbent's commission expired September 5, 1922.

MASSACHUSETTS.

Russell B. De Wolf to be postmaster at Duxbury, Mass., in place of H. B. Nichols, appointee declined.

William R. Farrington to be postmaster at Middleboro, Mass., in place of J. H. Creedon. Incumbent's commission expired October 1, 1922.

Josephine E. Dempsey to be postmaster at South Ashburnham, Mass., in place of J. E. Dempsey. Incumbent's commission expired May 14, 1921.

MICHIGAN.

Thomas P. DeClaire to be postmaster at Clawson, Mich., in place of L. R. Wells. Office became third class October 1, 1922.

Orin T. Mallory to be postmaster at Blissfield, Mich., in place of Edson Porter. Incumbent's commission expired September 13, 1922.

Emile J. Crete to be postmaster at Caspian, Mich., in place of H. M. Lawry, deceased.

Charles S. Wilcox to be postmaster at East Lansing, Mich., in place of C. D. Aldrich. Incumbent's commission expired September 13, 1922.

Frank A. Miller to be postmaster at Gladstone, Mich., in place of F. A. Miller. Incumbent's commission expired April 19, 1921.

Lottie E. Bultman to be postmaster at Hermansville, Mich., in place of M. R. Bradley. Incumbent's commission expired September 13, 1922.

Charles B. Curtis to be postmaster at Houghton Lake, Mich., in place of C. B. Curtis. Office became third class January 1, 1923.

Frank E. Darby to be postmaster at Kalkaska, Mich., in place of H. B. Whalley, deceased.

Olive F. Gowans to be postmaster at Mackinaw, Mich., in place of C. O. Barrett, resigned.

Fred R. Griffin to be postmaster at Manistique, Mich., in place of F. J. L. Carroll. Incumbent's commission expired September 13, 1922.

William H. Palmer to be postmaster at Newberry, Mich., in place of Malcolm McPhee. Incumbent's commission expired September 13, 1922.

Fred H. Johnson to be postmaster at St. Ignace, Mich., in place of Michael Hoban. Incumbent's commission expired September 13, 1922.

Albert Sanders, jr., to be postmaster at Stephenson, Mich., in place of M. W. Doyle. Incumbent's commission expired September 13, 1922.

Webb W. Walter to be postmaster at Three Rivers, Mich., in place of H. I. Wright. Incumbent's commission expired September 13, 1922.

Charles S. Sisson to be postmaster at White Pigeon, Mich., in place of Freeman Ware. Incumbent's commission expired November 15, 1922.

MINNESOTA.

Mary E. Stark to be postmaster at Buffalo, Minn., in place of M. E. Stark. Incumbent's commission expired September 26, 1922.

Claus H. Lepler to be postmaster at Clara City, Minn., in place of M. C. Benson. Incumbent's commission expired April 6, 1922.

Ralph G. Hosfield to be postmaster at Medford, Minn., in place of W. A. Bailey. Office became third class July 1, 1922.

Folmer Bjorge to be postmaster at Bigfork, Minn., in place of Folmer Bjorge. Office became third class January 1, 1923.

MISSISSIPPI.

William D. Fields to be postmaster at Doddsville, Miss., in place of L. I. Coleman, resigned.

Starling L. Pake to be postmaster at Dundee, Miss., in place of Lee Bankston, resigned.

Thomas L. Cotten to be postmaster at Summitt, Miss., in place of S. E. Carruth. Incumbent's commission expired September 26, 1922.

MISSOURI.

Abraham B. Peters to be postmaster at Bonnots Mill, Mo., in place of H. V. Party. Office became third class October 1, 1922.

Elliot Marshall to be postmaster at St. Joseph, Mo., in place of Frank Freytag. Incumbent's commission expired September 5, 1922.

John C. Datwieler to be postmaster at Clinton, Mo., in place of Clay Adair. Incumbent's commission expired September 5, 1922.

Albert R. Lebold to be postmaster at Lawson, Mo., in place of C. B. Neville, resigned.

William R. Lytle to be postmaster at Fredericktown, Mo., in place of A. T. Lacey. Incumbent's commission expired September 5, 1922.

Tom D. Purdy to be postmaster at Harris, Mo., in place of J. T. Haley. Incumbent's commission expired September 5, 1922.

Paul C. Campbell to be postmaster at Osborn, Mo., in place of J. E. J. Everett. Incumbent's commission expired December 20, 1920.

Harry Korf to be postmaster at South St. Joseph, Mo., in place of H. J. Bowen. Incumbent's commission expired September 5, 1922.

MONTANA.

Jennie W. Chowning to be postmaster at Ennis, Mont., in place of J. W. Chowning. Office became third class October 1, 1922.

Frederick B. Gillette to be postmaster at Hinsdale, Mont., in place of J. H. Rutter. Incumbent's commission expired September 13, 1922.

Wilfred J. Hazelton to be postmaster at Townsend, Mont., in place of W. J. Hazelton. Incumbent's commission expired October 14, 1922.

Stephen E. Sande to be postmaster at Winifred, Mont., in place of T. H. Hayden, resigned.

NEBRASKA.

Edward H. Springer to be postmaster at Brady, Nebr., in place of David Johnson, resigned.

James M. Fox to be postmaster at Gretna, Nebr., in place of P. J. Melia, resigned.

Claude A. Barker to be postmaster at Pawnee City, Nebr., in place of A. E. Ovenden, resigned.

Eugene Roddy to be postmaster at Union, Nebr., in place of L. E. Borne, resigned.

Freemont L. Neely to be postmaster at Wayne, Nebr., in place of C. A. Berry. Incumbent's commission expired November 21, 1922.

Frederick H. Crook to be postmaster at Paxton, Nebr., in place of C. V. Kildare. Incumbent's commission expired October 3, 1922.

NEW JERSEY.

Berta Brown to be postmaster at Leonardo, N. J., in place of B. J. Haulboskey. Office became third class October 1, 1922.

Margarethe Grund to be postmaster at New Milford, N. J., in place of N. A. Terhune. Office became third class April 1, 1922.

Robert E. Bromley to be postmaster at Haddon Heights, N. J., in place of G. H. Abel. Incumbent's commission expired October 24, 1922.

Mina A. Crowell to be postmaster at Minotola, N. J., in place of L. A. Shaw, resigned.

Lemuel H. Greenwood to be postmaster at Elmer, N. J., in place of C. H. Hitchner. Incumbent's commission expired October 24, 1922.

NEW YORK.

J. Edward Uline to be postmaster at Ransomville, N. Y., in place of H. S. Ransom. Incumbent's commission expired October 24, 1922.

Guy R. Dodson to be postmaster at Wyoming, N. Y., in place of Henry Webster, deceased.

Elbert J. Eckerson to be postmaster at Cobleskill, N. Y., in place of Silas Springstead. Incumbent's commission expired November 15, 1922.

Ida L. Baxter to be postmaster at Port Washington, N. Y., in place of M. T. Hutchinson. Incumbent's commission expired October 24, 1922.

Frank R. Hanson to be postmaster at Sea Cliff, N. Y., in place of W. F. Britt, resigned.

Edwin P. Bouton to be postmaster at Trumansburg, N. Y., in place of C. E. Thompson. Incumbent's commission expired September 19, 1922.

Herbert L. Merritt to be postmaster at Katonah, N. Y., in place of M. F. Doyle. Incumbent's commission expired November 21, 1922.

Beulah H. Kelly to be postmaster at Lisbon, N. Y., in place of Bessie Sullivan. Incumbent's commission expired October 24, 1922.

Augusta H. Tilden to be postmaster at New Lebanon, N. Y., in place of A. H. Tilden. Incumbent's commission expired November 21, 1922.

George W. Morton to be postmaster at Pulaski, N. Y., in place of J. L. Hutchens, deceased.

Charles L. Carrier to be postmaster at Sherburne, N. Y., in place of H. J. McDaniel, resigned.

NORTH CAROLINA.

Theophilus H. McLeod to be postmaster at Buies Creek, N. C., in place of B. F. McLeod, resigned.

May C. Campbell to be postmaster at Norwood, N. C., in place of G. R. Upchurch, resigned.

Sarah A. Lunceford to be postmaster at Smithfield, N. C., in place of S. A. Lunceford. Incumbent's commission expired February 3, 1923.

Samuel W. Watts to be postmaster at Southport, N. C., in place of D. O. Daniel. Incumbent's commission expired March 16, 1921.

William F. Outland to be postmaster at Woodland, N. C., in place of O. L. Snipes, resigned.

NORTH DAKOTA.

Hugh C. Corrigan to be postmaster at Fargo, N. Dak., in place of J. P. Hardy. Incumbent's commission expired November 21, 1922.

William F. Legler to be postmaster at Robinson, N. Dak., in place of W. F. Legler. Office became third class January 1, 1923.

Sylvester Macking to be postmaster at Scranton, N. Dak., in place of M. O. Hagenson. Incumbent's commission expired September 5, 1922.

OHIO.

T. Howard Sapp to be postmaster at Bainbridge, Ohio, in place of H. W. W. Spargur. Incumbent's commission expired September 19, 1922.

Harry A. McConnell to be postmaster at Dorset, Ohio, in place of J. E. Wilderson. Office became third class October 1, 1922.

William S. Kindle to be postmaster at Thornville, Ohio, in place of R. J. Neel, resigned.

James W. McHenry to be postmaster at Elyria, Ohio, in place of D. W. Seward, removed.

Hattie E. Johnston to be postmaster at Lagrange, Ohio, in place of T. V. Feagler. Office became third class October 1, 1922.

Pearl H. Cheney to be postmaster at South Charleston, Ohio, in place of J. L. Carr. Incumbent's commission expired November 21, 1922.

Clyde S. Perfect to be postmaster at Sunbury, Ohio, in place of O. F. Barcus. Incumbent's commission expired December 6, 1922.

OKLAHOMA.

John W. Comer to be postmaster at Chickasha, Okla., in place of G. W. Barefoot. Incumbent's commission expired October 24, 1922.

James G. Sprouse to be postmaster at McCurtain, Okla., in place of J. G. Sprouse. Incumbent's commission expired January 27, 1923.

William C. Wallin to be postmaster at Watts, Okla., in place of Henryetta Wilson. Office became third class October 1, 1922.

Ora W. King to be postmaster at Meeker, Okla., in place of W. C. Parnell, resigned.

George D. Graves to be postmaster at Norman, Okla., in place of F. L. Swank. Incumbent's commission expired September 13, 1922.

George F. Benge to be postmaster at Tahlequah, Okla., in place of W. A. Thompson. Incumbent's commission expired January 27, 1923.

George C. Hill to be postmaster at Shidler, Okla., in place of F. T. Gale. Office became third class October 1, 1922.

Orland H. Park to be postmaster at Wright City, Okla., in place of O. E. Thompson, declined.

OREGON.

Claude E. Ingalls to be postmaster at Corvallis, Oreg., in place of V. P. Moses. Incumbent's commission expired September 5, 1922.

Darwin E. Yoran to be postmaster at Eugene, Oreg., in place of E. L. Campbell, deceased.

Robert N. Torbet to be postmaster at Albany, Oreg., in place of C. H. Stewart, resigned.

PENNSYLVANIA.

Russell C. Parry to be postmaster at Walnutport, Pa., in place of J. P. Andreas, removed.

Walter V. Dingman to be postmaster at Milford, Pa., in place of J. P. Van Etten, resigned.

George C. Noblitt to be postmaster at Brockwayville, Pa., in place of J. A. Cooper. Incumbent's commission expired February 3, 1922.

Liola R. Thoman to be postmaster at Hatboro, Pa., in place of J. S. Leidy, declined.

David K. Clements to be postmaster at Sagamore, Pa., in place of G. C. Schrecongost. Incumbent's commission expired February 4, 1922.

John D. Williams to be postmaster at Shoemakersville, Pa., in place of H. S. Madeira, deceased.

John J. Nichols to be postmaster at Lansdowne, Pa., in place of F. M. Longstreth, removed.

Charles P. Hipple to be postmaster at Marietta, Pa., in place of John Orth. Incumbent's commission expired February 5, 1922.

Hugh T. Williams to be postmaster at Union Dale, Pa., in place of H. A. Reynolds. Office became third class April 1, 1921.

William H. Smith to be postmaster at Valencia, Pa., in place of G. S. Dickson. Incumbent's commission expired October 24, 1922.

SOUTH CAROLINA.

Carl G. Schoenberg to be postmaster at North, S. C., in place of A. A. Glover, resigned.

Fred Mishoe to be postmaster at Greelyville, S. C., in place of Fred Mishoe. Incumbent's commission expired December 23, 1922.

Walter L. Gettys to be postmaster at Clover, S. C., in place of J. A. Barrett, resigned.

Jacob M. Bedenbaugh to be postmaster at Prosperity, S. C., in place of J. M. Bedenbaugh. Incumbent's commission expired October 28, 1922.

SOUTH DAKOTA.

Israel R. Krause to be postmaster at Java, S. Dak., in place of I. R. Krause. Incumbent's commission expired December 23, 1922.

Claud I. Force to be postmaster at Clear Lake, S. Dak., in place of C. I. Force. Incumbent's commission expired January 27, 1923.

Ernest F. Roth to be postmaster at Columbia, S. Dak., in place of H. C. Roth, resigned.

Charles E. Smith to be postmaster at Lemmon, S. Dak., in place of H. J. Mensing, removed.

James E. McLaughlin to be postmaster at Onida, S. Dak., in place of William Spencer, resigned.

Joseph Matt to be postmaster at Vivian, S. Dak., in place of H. E. Kelly, removed.

TENNESSEE.

Joseph R. Lane to be postmaster at Church Hill, Tenn., in place of R. L. Long. Incumbent's commission expired January 27, 1923.

Isaac A. Smith to be postmaster at Halls, Tenn., in place of B. H. Moore. Incumbent's commission expired February 13, 1923.

Ella M. Grubbs to be postmaster at Adams, Tenn., in place of C. G. Byrd, resigned.

Beecher D. Phillips to be postmaster at Algood, Tenn., in place of R. C. Boatman. Incumbent's commission expired May 10, 1922.

Daniel L. Hyder to be postmaster at Elizabethton, Tenn., in place of D. M. Brumit, resigned.

John W. Chumley to be postmaster at New Tazewell, Tenn., in place of J. L. Goin, resigned.

William T. Starbuck to be postmaster at Hohenwald, Tenn., in place of A. W. Ashton. Incumbent's commission expired January 27, 1923.

Rufus C. Thompson to be postmaster at Milan, Tenn., in place of W. A. Howard, resigned.

TEXAS.

Lucy D. Campbell to be postmaster at Brazoria, Tex., in place of E. B. Hopkins. Incumbent's commission expired January 24, 1922.

Edward S. Dougherty to be postmaster at Edinburg, Tex., in place of E. S. Dougherty. Incumbent's commission expired September 5, 1922.

Harry B. Strong to be postmaster at Iredell, Tex., in place of J. P. Williamson, resigned.

James J. Dickerson to be postmaster at Paris, Tex., in place of A. G. Hubbard, resigned.

Charles A. Andrews to be postmaster at Wolfe City, Tex., in place of J. F. Painter, deceased.

William T. McDonald, jr., to be postmaster at Wylie, Tex., in place of W. T. McDonald, jr. Incumbent's commission expired October 24, 1922.

Harvey L. Pettit to be postmaster at Bloomburg, Tex., in place of J. A. Bentley. Office became third class October 1, 1921.

William C. Simmons to be postmaster at Murchison, Tex., in place of W. L. Adair. Office became third class January 1, 1921.

Harry H. Cooper to be postmaster at Nacogdoches, Tex., in place of A. Y. Donegan. Incumbent's commission expired July 21, 1921.

William H. Mallory to be postmaster at Port Lavaca, Tex., in place of G. R. Rubert. Incumbent's commission expired October 24, 1922.

James P. Kersey to be postmaster at Ozona, Tex., in place of W. C. Esterling, removed.

David F. Johnson to be postmaster at Brownwood, Tex., in place of W. D. McChristy. Incumbent's commission expired September 5, 1922.

UTAH.

William T. Boyle to be postmaster at Beaver, Utah, in place of Isadore Lessing. Incumbent's commission expired September 28, 1922.

T. J. Wadsworth, jr., to be postmaster at Santaquin, Utah, in place of A. R. Hudson. Office became third class October 1, 1922.

VERMONT.

Margaret I. Southgate to be postmaster at Concord, Vt., in place of M. I. Southgate. Office became third class January 1, 1921.

Edward N. Aldrich to be postmaster at Graniteville, Vt., in place of A. M. Carey. Office became third class January 1, 1921.

Ruth S. Sheldon to be postmaster at Pawlet, Vt., in place of V. W. Weeks. Office became third class July 1, 1921.

Otis B. Dauchy to be postmaster at Townshend, Vt., in place of O. B. Dauchy. Office became third class January 1, 1923.

Preston C. Skinner to be postmaster at Orleans, Vt., in place of F. H. Pierce. Incumbent's commission expired July 21, 1920.

William B. Needham to be postmaster at Bridgewater, Vt., in place of C. I. Davis. Office became third class July 1, 1922.

Jonas H. Brooks to be postmaster at St. Johnsbury, Vt., in place of A. H. Gleason. Incumbent's commission expired January 24, 1922.

VIRGINIA.

Mary I. Wight to be postmaster at Charlotte Court House, Va., in place of J. D. Shepperson. Incumbent's commission expired July 15, 1920.

Charles P. Smith, jr., to be postmaster at Martinsville, Va., in place of T. H. Self, resigned.

Edward P. Schultz to be postmaster at Onancock, Va., in place of E. E. Miles, resigned.

WASHINGTON.

Blanche A. Sines to be postmaster at Chelan, Wash., in place of L. R. Sines, removed.

Alonzo E. Emerson to be postmaster at Ellensburg, Wash., in place of R. A. Turner. Incumbent's commission expired October 14, 1922.

Charles A. Bowen to be postmaster at Clayton, Wash., in place of C. A. Bowen. Office became third class October 1, 1922.

Levi H. Niles to be postmaster at Ephrata, Wash., in place of P. F. Billingsley. Incumbent's commission expired January 24, 1922.

Andrew J. Cosser to be postmaster at Port Angeles, Wash., in place of A. J. Cosser. Incumbent's commission expired November 21, 1922.

Arthur Bailey to be postmaster at Monroe, Wash., in place of Arthur Bailey. Incumbent's commission expired October 24, 1922.

WEST VIRGINIA.

Ruth Lewis to be postmaster at Buffalo, W. Va., in place of N. J. Knapp, resigned.

Carl A. Dehner to be postmaster at Chester, W. Va., in place of W. B. Stewart, deceased.

Cecil B. Dodd to be postmaster at Follansbee, W. Va., in place of A. T. McCort. Incumbent's commission expired March 1, 1923.

Andrew Smith to be postmaster at Filbert, W. Va., in place of N. P. Johnston, resigned.

WISCONSIN.

Maurice Morrissey to be postmaster at Delavan, Wis., in place of C. M. Tallman, removed.

Hattie B. Greene to be postmaster at Darlington, Wis., in place of George Ward. Incumbent's commission expired May 7, 1922.

Adolph C. Sveen to be postmaster at Westby, Wis., in place of Jens Davidson, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 2, 1923.

ASSISTANT SECRETARY OF THE TREASURY.

McKenzie Moss to be Assistant Secretary of the Treasury.

ASSISTANT SECRETARY OF WAR.

Dwight Davis to be Assistant Secretary of War.

MEMBERS OF WORLD WAR FOREIGN DEBT COMMISSION.

CARTER GLASS to be a member of the World War Foreign Debt Commission.

CHARLES R. CRISP to be a member of the World War Foreign Debt Commission.

Richard Olney to be a member of the World War Foreign Debt Commission.

MEMBER OF THE FEDERAL RESERVE BOARD.

D. R. Crissinger.

DIRECTOR OF WAR FINANCE CORPORATION.

Frank W. Mondell.

GOVERNOR OF PORTO RICO.

Horace M. Towner.

DIRECTOR OF UNITED STATES VETERANS' BUREAU.

Frank T. Hines.

COMMISSIONER OF BUREAU OF IMMIGRATION.

John D. Nagle, commissioner at the port of San Francisco, Calif.

MEMBER OF THE UNITED STATES EMPLOYEES' COMPENSATION COMMISSION.

Charles H. Verrill.

COMPTROLLER POST OFFICE DEPARTMENT.

Francis P. Sullivan to be comptroller, Bureau of Accounts.

UNITED STATES DISTRICT JUDGES.

F. C. Jacobs to be district judge, district of Arizona.

John F. McGee to be district judge, district of Minnesota.

William Bondy to be district judge, southern district of New York.

Paul Jones to be district judge, northern district of Ohio.

Harry M. Hoffheimmer to be district judge, southern district of Ohio.

Xenophen Hicks to be district judge for the eastern and middle districts of Tennessee.

John J. Gore to be district judge, middle district of Tennessee.

UNITED STATES ATTORNEY.

Benson W. Hough to be attorney, southern district of Ohio.

UNITED STATES MARSHAL.

Richard J. White to be marshal, eastern district of Wisconsin.

PROMOTIONS IN THE COAST GUARD.

To be captain.

Andrew J. Henderson.

To be commander.

Randolph Ridgely.

To be lieutenant commanders.

George C. Alexander.
Charles F. Howell.
William T. Stromberg.
George E. Wilcox.
James A. Alger.
Muller S. Hay.
Howard E. Rideout.
Ralph W. Dempwolf.
Roger C. Weightman.
Le Roy Reinburg.
Lloyd T. Chalker.
James L. Ahern.
Stanley V. Parker.

To be lieutenant commanders (engineering).

Albert C. Norman.
Christopher G. Porcher.
Charles A. Wheeler.
John I. Bryan.
Samuel M. Rock.
Edwin W. Davis.
Charles S. Root.
Michael N. Usina.
Robert B. Adams.

PROMOTIONS IN THE ARMY.

William Reese Scott to be chaplain with rank of major.

Albert Leslie Evans to be chaplain with rank of captain.

Goodwin Compton to be lieutenant colonel, Infantry.

James Edmund McDonald to be lieutenant colonel, Infantry.

Stephen Clark Reynolds to be major, Quartermaster Corps.

James Louis Guion to be captain, Ordnance Department.

Stewart Elvin Reimel to be captain, Ordnance Department.

Henry Lord Page King to be captain, Signal Corps.

Stanley Koch to be major, Cavalry.

Philip Raymond Ward to be colonel, Field Artillery.

Lloyd Marlowe Hanna to be first lieutenant, Field Artillery.

Samuel Rixey Deanes to be first lieutenant, Field Artillery.

William Topping Merry to be colonel, Infantry.

Thomas Worthington Hollyday to be lieutenant colonel, Field Artillery.

Albert Louis Rhoades to be lieutenant colonel, Coast Artillery Corps.

Thomas Albert Harkins to be chaplain with rank of captain.

Frank Pearson MacKenzie to be chaplain with rank of captain.

Joseph Lester Brooks to be captain, Quartermaster Corps.

Eugene Luther Vidal to be first lieutenant, Air Service.

Amos Stanhope Kinzer to be first lieutenant, Medical Administrative Corps.

Berban Huffine to be first lieutenant, Medical Administrative Corps.

Richard Homer McElwain to be first lieutenant, Medical Administrative Corps.

Willard Mortimer Barton to be first lieutenant, Medical Administrative Corps.

PROMOTIONS IN THE NAVY.

MARINE CORPS.

To be captains.

Bruce J. Millner.
William P. Richards.
Willett Elmore.
Francis Fisk.

To be second lieutenants.

Wilson B. McCandless.
Corpl. Jonathan O. Becker.
Sergt. Franklin W. R. Brown.
Sergt. Harold C. Roberts.

Sergt. Will H. Lee.
Sergt. Monroe S. Swanson.
Corpl. William E. Lee.
Corpl. August L. Huhn, jr.
Gunnery Sergt. Charles R. Barrett.
Corpl. Joshua B. Langley.
Sergt. John G. Walraven.
Gunnery Sergt. William R. Hughes.
Corpl. James K. Reid.

POSTMASTERS.

GEORGIA.

John L. Callaway, Covington.

INDIANA.

John Stahl, Lawrenceburg.
Frances Ambler, Pine Village.
Dehn P. Keller, Warren.

IOWA.

Karl J. Baessler, Livermore.
Edgar A. Greenway, Pleasantville.
Silas L. McIntire, Pocahontas.

KANSAS.

John F. Mitchell, Fort Dodge.
John Irving, Jetmore.
Louis T. Miller, Ness City.
Lewis E. Glasco, Piedmont.
Herman C. Walter, Wilson.

MARYLAND.

Roscoe C. McNutt, Fallston.
George W. Stevens, Sudlersville.

MASSACHUSETTS.

Arthur F. Cahoon, Harwich.
Howard M. Douglas, Plymouth.

MINNESOTA.

Mott M. Anderson, Hammond.
Winnifred L. Batson, Odessa.

MISSOURI.

J. Orville Gochnauer, Belton.
Maria B. Cassity, Gentry.
Owen S. Randolph, Gideon.
Thomas J. Richardson, Koshkonong.
Oscar H. Remmert, Leslie.
Melvin Lutes, Lutesville.
Alpha DeBerry, Stoutland.

MONTANA.

Andrew Kolnitchar, Geraldine.
Samuel P. Eagle, West Yellowstone.

NEBRASKA.

Arthur H. Babcock, North Loup.
Myrtle L. Anderson, Republican City.

NEW JERSEY.

Isaac E. Bowers, Groveville.
John Rotherham, Jersey City.

NEW MEXICO.

Harvey Springer, Dawson.
Vida B. Brittingham, Fort Sumner.

NORTH CAROLINA.

Benjamin E. Atkins, Apex.
Hosea L. Early, Aulander.
Robert D. Herndon, Chapel Hill.
Sam J. Smith, Erlanger.
Jay Shoaf, Mooresville.

NORTH DAKOTA.

Robert D. Hand, Ambrose.
Mina H. Aasved, Carson.
Ada M. Patterson, Jud.
Martin E. Larson, Marion.

OHIO.

Hylos L. Vesey, Perry.
George R. Irwin, Upper Sandusky.

OKLAHOMA.

John M. Sappington, Holdenville.
Dixon L. Lindsey, Marlow.
Paul J. Fournier, Quinlan.

PENNSYLVANIA.

George R. Steiger, Albion.
Sara A. Conrath, Dixonville.
William E. Mutthersbough, Driftwood.
George B. Stevenson, Lock Haven.

UTAH.

Annie Palmer, Farmington.

VIRGINIA.

Virgie C. Goode, Bassetts.
Blodwyn R. Jones, Cambria.
Henry P. Holbrook, Castlewood.
John W. Delaplane, Delaplane.
Gunyon M. Harrison, Fredericksburg.
John D. Williamson, Fries.
Margaret I. Lacy, Halifax (late Houston).
Lawrence L. Jacobs, Hanover.
Charles F. Flanary, Jonesville.
Henry E. Bailey, Newsoms.
George R. McCall, Raven.
George H. McFarland, Reedville.
Archer H. Staples, Stuart.
Dandridge W. Marston, Toano.

WISCONSIN.

Harry T. Ketcham, Abbotsford.
Bernard A. McBride, Adams.
Nicholas Hubing, Belgium.
Albert L. Marsh, Elroy.
Forrest T. Durner, Evansville.
Dean J. Hotchkiss, Foxlake.
Edward Schroeder, Granton.
Stephen S. Summers, Milton.
George B. Keith, Milton Junction.
Carl V. Dahlstedt, Port Wing.
R. Claire Dixon, Silverlake.
Julian C. Colby, Union Grove.
Oscar C. Wertheimer, Watertown.
Joseph F. Huber, West Bend.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 2, 1923.*

The House met at 11 o'clock a. m. and was called to order by the Speaker pro tempore, Mr. CAMPBELL of Kansas.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, who art the eternal source of every hope and whose goodness crowns each succeeding day, to Thee our hearts belong. Thy mercy is wider than our utmost need and extends to creation's bounds. Do Thou continue to bless us with Thy sheltering arm and let Thy compassion veil our transgressions. Bestow Thy revealing presence upon us. Help us to pursue our tasks with sweet, obedient, unmurmuring toil, and may every impulse be soothed by reflection. Be with us all the time, and as we onward go may the luster of the Cross become more precious. Amen.

The Journal of the proceedings of yesterday was read and approved.

D. K. HEMPSTEAD.

Mr. RAYBURN. Mr. Speaker, I offer the following resolution and ask for its adoption.

The Clerk read as follows:

Resolved, That D. K. Hempstead be, and he is hereby, appointed a special employee to fill the vacancy caused by the resignation of Clarence Cannon named in the resolution adopted by the House May 19, 1919.

The resolution was agreed to.

THURSTON W. TRUE.

Mr. SNELL. Mr. Speaker, I call up the conference report on the bill (S. 2984) for the relief of Thurston W. True.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2984) for the relief of Thurston W. True, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses that the House recede from its amendment.

B. H. SNELL,
JOHN C. KLECZKA,
Managers on the part of the House.
ARTHUR CAPPER,
SELDEN P. SPENCER,
JOS. T. ROBINSON,
Managers on the part of the Senate.

The conference report was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 8086. An act to prohibit the shipment of filled milk in interstate or foreign commerce; and

H. R. 14408. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 2703) to allow the printing and publishing of illustration of foreign postage and revenue stamps from defaced plates.

The message also announced that the Senate had passed the following resolution:

Senate Resolution 464.

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. W. BOURKE COCKRAN, late a Representative from the State of New York.

Resolved, That a committee of six Senators be appointed by the Vice President to join the committee appointed by the House of Representatives to attend the funeral.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased Representative the Senate do now adjourn.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolution:

H. R. 13978. An act granting the consent of Congress to the Hudson River Bridge Co., at Albany, to maintain two bridges already constructed across the Hudson River;

H. R. 10677. An act for the relief of Quincy R. Craft;

H. R. 14317. An act granting permission to Capt. Norman Randolph, United States Army, to accept the decoration of the Spanish Order of Military Merit of Alfonso XIII;

H. R. 7267. An act granting permission to Mrs. H. S. Abernethy, of Lincolnton, N. C., to accept the decoration of the bust of Bolivar; and

H. J. Res. 453. Joint resolution requesting the President to urge upon the governments of certain nations the immediate necessity of limiting the production of habit-forming narcotic drugs and the raw materials from which they are made to the amount actually required for strictly medicinal and scientific purposes.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3874. An act granting the consent of Congress for a bridge across the Rio Grande River; to the Committee on Interstate and Foreign Commerce.

S. 4592. An act granting consent of Congress to the Eagle Pass & Piedras Negras Bridge Co. for construction of a bridge across the Rio Grande between Eagle Pass, Tex., and Piedras Negras, Mexico; to the Committee on Interstate and Foreign Commerce.

S. 4638. An act authorizing the Great Northern Railway Co. to maintain and operate, or reconstruct, maintain, and operate, its bridge across the Columbia River at Marcus, in the State of Washington; to the Committee on Interstate and Foreign Commerce.

S. 4631. An act granting the consent of Congress to the counties of Bowie and Cass, State of Texas, for construction of a bridge across Sulphur River at or near Paces Ferry, in said counties and State; to the Committee on Interstate and Foreign Commerce.

S. 4609. An act to authorize the President in certain cases to reduce fees for the visé of passports; to the Committee on Foreign Affairs.

EXTENSION OF REMARKS.

Mr. SMITH of Idaho. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Idaho asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. STAFFORD. I assume that they are the gentleman's own remarks.

Mr. SMITH of Idaho. Yes.

There was no objection.

The extension of remarks referred to is here printed in full as follows:

Mr. SMITH of Idaho. Mr. Speaker, it was the celebrated French anatomist, Georges Cuvier, who, given the fragmentary bone of a prehistoric vertebrate, built up the animal as it had once existed, and a subsequent discovery proved that his restoration was complete in every detail. It is said that our own Dr. Ales Hrdlicka, of the National Museum, given a small section of the jawbone, could completely restore the pachydermous free trader of the 90's. And if one should enter the editorial lair of the New York Journal of Commerce, he would find that all but extinct homo sapiens in the flesh, a living testimonial to Hrdlickian expertness in the correlation of parts.

It is my purpose to-day to take a few skeletal remains to be found in the loess of subsiding tariff debate, and in the statistical collections now being assembled by the Department of Commerce, and to reconstruct, so far as I may, that mastodonic but sentient creature, American industry, as I anticipate it, for 1923 and onward. I am confident that the near future will show that the creature, which was paralyzed by the Underwood tariff law of 1913, reanimated by the European blood transfusion of 1914–1918, relapsing under the strain of 1920, and given first aid by the emergency tariff law of 1921, will be fully restored and revivified in the coming year. The renascence of American industry is under way. That is a fact which brooks no denial. It needs but to be guarded from those twin witches, free trade and internationalism.

But before I push out into the main current of my thought, I shall devote a few moments to a very cursory review of the tariff period immediately preceding and that included in the span known as "The New Freedom."

The Payne law of 1909 was a grossly maligned and libeled measure. It is by the average ad valorem duty rates that we measure the stature of a tariff law. The average ad valorem rate of duty on all imports during the entire period of the Payne law was less than 20 per cent, beginning with 21, in 1910, and ending with 17.69 in 1913. The average rate of duty on dutiable goods alone was 41 per cent. In both instances these rates were below those prevailing under the old Wilson law—1894—of evil memory, and markedly lower than the Dingley law, whose average ad valorem on all goods for the 12 years of its operation was about 26 per cent, and on dutiable goods a trifle over 47 per cent. Yet, under the scientifically adjusted rates of the Republican tariff law of 1909 our export trade increased from $1,745,000,000 in 1910 to $2,466,000,000 in 1913, and our favorable balance of trade grew from $188,000,000 to $653,000,000. And still a healthy development of import trade was permitted by the law.

But slander spoke with multiple and brazen tongues, there was divided council in the party of protection, the two factions of which polled a combined vote of 7,600,000 in 1912 and the party which supported what the late Ebenezer Hill, of Connecticut, called "free trade with a handicap" came into power by a vote of 6,300,000 on the strength of two distinct and solemn promises to the people: First and foremost, to reduce the cost of living by reducing customs duties to a revenue basis; second, to increase customs revenues by encouraging imports. Duties were reduced and imports were increased, while customs revenues fell off and the cost of living went up. It was as pretty a double-cross as was ever perpetrated on a gullible public.

In looking over some records compiled by the Department of Labor under the previous administration, fixing 1913 as a base year for the index figure at 100, I find that of 15 food articles of everyday consumption the retail prices of but 3 were lower in 1914 than in 1912—flour, corn meal, and sugar. The reduced rate on suger went into effect March 1, 1914, but in the meantime the sugar producers had gotten rid of their entire stock and the market was loaded up. By the last week in June sugar stood at 4.21 cents, or precisely what it was in the last week of June, 1913, under Republican law. In February, 1914, just before the sugar rate went into effect, the refiners' margin was 47.7 cents per 100 pounds, and in July, 1914, it was 92.6 cents. The New York Annalist index number showing the average wholesale price of 25 food commodities selected and arranged to represent a theoretical family's food budget, tipped the beam at nearly 150 the last of December, 1915, was 146 for the year 1914, and under 140 for 1913, nine months of which was under Republican law. I can not say why the Annalist dealt with a theoretical family budget unless it was because so many people

were down and out that a real budget could not be established. And what applied to food held good for clothes.

I have the utmost confidence in the new tariff law. * * * I am absolutely confident that this law will reduce the cost of living in the United States—

Declared Mr. UNDERWOOD as President Wilson affixed his signature to the law which bore his name. What a pitiful augury!

As a revenue producer the Democratic tariff law of 1913 was never a success in its palmiest days. At one stage of its career the average ad valorem sank below 6 per cent. From 1914 to 1921 its total average was 8.8 per cent, being raised to 14 per cent in 1922 through the assistance of the emergency tariff law. In 1920 on $5,238,000,000 worth of imports it produced but $326,000,000 in revenues, or just what was produced by the Payne law in 1910 on $1,557,000,000 of imports. That was a mighty small return on bankrupted American industry. "Has he been successful?" inquired one friend of another, discussing the affairs of an absent manufacturer in 1914. "Successful? I should say he had," was the response. "He failed for $1,000,000!"

In 1918 and 1919, 72 per cent of our imports under that law came in without paying a Russian ruble into the United States Treasury. Small wonder that the people began to rear up and demand a change of tariff policy!

I shall only mention the fact that in mid-year 1914 over 4,000,000 workingmen had been benched by the Underwood law, hence nearly 20,000,000 mouths had relinquished a well-rounded and plentiful diet of farm products for the bread of charity and the husks of defeat.

In 1917 the American Federation of Labor, in convention at Buffalo, alarmed at the prospect of a continuance of the free-trade policy after the Great War, adopted without a dissenting vote the resolution which I here quote:

Resolved, That this convention go on record in favor of a policy of industrial preparedness and the enactment of laws by Congress that will adequately protect all wage earners of our country against loss of employment through any invasion of the products of any other nation.

I earnestly suggest that Mr. Samuel Gompers, the president of the American Federation of Labor, who works indefatigably for the success of the Democratic Party, and therefore for the policy of free trade, raise his hat and paste a copy of that resolution thereunder, meanwhile recalling that the country of his nativity, after 75 years of experiment, has returned to the protective policy under a bill entitled "The safeguarding of industries act." That act carries a 33⅓ per cent ad valorem.

I shall not recount the titanic trade movements outward which reached $6,000,000,000 in 1917 and 1918, over $8,000,000,000 in 1920, and sank to $3,700,000,000 in 1922, further than to remark that the party which attempted to make political capital out of the conduct of the war could hardly be expected to treat with justice the farmer, miner, mill operative, and manufacturer of America. Suffice to say that when the close of the calendar year 1920 showed imports at the record figure of $5,279,000,000 and competition almost equally divided among foodstuffs, manufactured goods, and the crude group which includes minerals, the Republican Party, at last restored to power, saw the necessity of immediate action.

As we know, one of the first pieces of remedial legislation essayed by the Republican majority in the House was the emergency tariff law, which, vetoed by President Wilson in his final birching of protection, was signed by President Harding on May 27, 1921. It is utterly useless to deny that this law materially aided the American farmer, further prostrated by the too rapid deflation of 1920. The official figures give the lie to any such denial. In 1921 we imported nearly $1,300,000,000 worth of crude and manufactured foodstuff and food animals. In 1922 that figure was cut almost exactly in half. How can any man have the brass-bound effrontery to say that, given a larger share of his domestic market, the American food producer is not benefited thereby? The fact was immediately reflected in better prices to the farmer, and yet the prices of foodstuffs to the man who bought at retail showed a pronounced decline.

Hearings on the general tariff bill were begun by the Ways and Means Committee the first week in January, 1921, and continued for about six weeks. Already a large amount of data has been collected by the committee for use in revising the tariff on the basis of protection. The hearings were carefully and fairly conducted, and the index of those hearings shows that something like 1,600 organizations, firms, and individuals took advantage of the opportunity to present to the committee their arguments for or against duty rates and administrative features proposed by the framers of the bill.

On June 30 the bill was reported to the House, and after heated debate, it passed, July 21, 1921, by the record vote of 288 to 127, 14 not voting. I pause to remark that while the silken-haired pet of the gentleman from Texas was given far better consideration in the Fordney bill than was accorded it in the Underwood law, he took his chances of the bill going through and smacked the Angora full on the snout with the kiss of betrayal. Yet he voted for 15 per cent on goat hair in 1913, after he had adroitly separated the goats from the sheep and voted for free wool.

The Fordney bill had encountered bitter opposition from the importing interests while it was in the House, and while it was in the Senate drive after drive of the organized importers was sent against it. It was truthfully asserted by many seasoned tariff veterans in both Houses of Congress that never in the history of American tariff legislation had there been such a frantic determination on the part of the importers' combine to defeat, by fair means or foul, the effort of the Republican Party to return to the policy of protection. Torrents of invective, rivers of expostulation, were turned on the supporters of the measure, and oceans of propaganda flooded the length and breadth of the land, the originators thereof hoping to create a backwash which would knock the stanchest champion of protection off his feet. The amount of money spent to defeat the Fordney tariff law will never be known, but that it reached into the millions of dollars is confidently asserted.

Early in 1922 the chairman of the Ways and Means Committee made public some figures officially vouched for showing some of the prices at which the importers' combine was bringing in goods, the duties, if any, paid thereon, and the huge profits at which those goods were being sold to the American consumers. For a day or two "the silence was that orful you were 'arf afraid to speak." And then the pack broke loose in a bedlam of denial. This was only the first gun. In August a booklet was published based on a follow-up investigation which had been quietly pursued by the Treasury Department. Said the Secretary of the Treasury, Mr. Mellon:

This data was prepared in the office of the appraiser of merchandise at the port of New York from invoices and entries on file in the customs office at that port. Each sheet submitted bears an identification letter and number corresponding to the letter and number appearing on the particular article to which the sheet relates, the articles representing identical items of merchandise, or duplicates thereof, covered by the invoice and entry from which the data was secured.

The exhibits in question were presented to the appraiser's office and inspected and identified by examiners who pass upon the particular lines of merchandise involved. * * * Additional information of this kind is being prepared by the appraiser.

The exhibits referred to embrace 122 articles of foreign importation in daily use and to be found at all times on the counters of the department stores of the importers' combine. They by no means exhausted the list. They showed the country or origin and the value therein, the charges—transportation, insurance, freight, and so forth—the duty assessed, the landed cost in the United States, the retail price in the United States, the company from which purchased, and, finally and most important, the percentage of retail price to landed cost. The astounding information was divulged that profits ranging from 275 to 2,300 per cent were being exacted of American purchasers of these articles who patronized the agents of this combine.

The Treasury Department established in a manner which could not be successfully controverted that the foreign cost of producing these articles was lower than American manufacturers could possibly achieve; that the duties collected by the Government under the rates of the Democratic law were extremely low; that the duty collected and the duty proposed in the then pending tariff bill should not increase the price of this merchandise to the consumer; that the duty proposed by the then pending bill would in no instance prohibit importation; and that the importer could easily pay the proposed tariff duties without increasing the selling price. Or, in other words, that the spread between the foreign purchase price and selling price by the importer was sufficient to absorb the tariff duty many times over without any increase of the selling price of any of these imported products.

That report was an eye opener for the public and an eye closer for the importers' combine. Thenceforth, while their hearts may have been in their work, their minds were dazed by the denouement. I shall have occasion to refer later on to the campaign methods which they are at present following.

Identified, and in some instances party in interest, with the importers' combine which had set out to wreck the protective-tariff program, was a rabble of irresponsible theorists and doctrinnaires, internationalists, cancellationists, damnationists, and the whole surrenderbund spawned by that Æsopian frog, the League of Nations, "some in rags, and some in tags, and some in velvet gowns." Many of them, to be sure, were sincere, even if bemused. Most of them had their own selfish interest to the fore. The burden of their plaints was that if we returned to protection we would thereby exclude imports, and that the nations owing us could not possibly carry out their

design to pay us with goods instead of gold—they could pay us not at all; that to wall out imports would be to wall in exports; that to protect our own would be a wicked and cowardly desertion of the unfortunate of other lands; that charity began abroad and not at home; that penitential retaliations and reprisals would prod us, sniveling futilely, from one European doorstep to another in quest of trade.

But the Joseph who was stripped of his coat and sold to the Ishmalites in 1913, who fled from Potiphar's wife in 1920, had found his real friends in 1922, and the tariff bill, after heart-sickening deferment, became a law on the 21st of September, 1922. Already that law gives substantial promise of making him a prosperous man.

This leads me to the point, Mr. Speaker, where I shall have recourse to official figures which point unerringly to the beneficent results already being attained and to continue under the new tariff law. The protectionists felt confident that some increase would be recorded in our export trade once the new law began operation, but the record for the first four months of that law has not only confounded those who made the dire predictions last year but it has actually astounded its friends. Remarkable to relate, comparing the period October, 1922, to January, 1923, inclusive, with the similar period the year before, our export trade has increased by 20 per cent, or from $1,212,000,000 to $1,434,000,000. That is 50 per cent greater than the record for the first four months of the Underwood law, October, 1913, to January, 1914, inclusive, which period itself showed a decrease in exports, compared with the similar period under the Payne law, 1912–13, of $55,000,000. I insert a table to substantiate this statement, the figures expressing millions of dollars:

Total exports.

Month.	1912-13	1913-14	1921-22	1922-23
October	$255	$272	$343	$371
November	278	246	294	380
December	250	233	396	344
January	227	204	279	339
Total (4 months)	1,010	955	1,212	1,434

What have the prophets of evil to say to that? They assured us that Europe in particular would curtail buying from us so soon as the tariff law went into effect. But they were wrong again, notwithstanding the troublous times that still persist on that continent. Let us study the exports by grand divisions, on which we have figures for the last three months of last year, and compare them with the other periods indicated, again the figures, which I insert, being expressed in millions of dollars:

Exports October–December, inclusive.

Grand division.	1912	1913	1921	1922
Europe	$336	$305	$304	$609
North America	153	139	211	261
South America	37	36	44	64
Asia	29	40	141	117
Oceania	21	24	29	31
Africa	9	7	13	13
Total (3 months)	785	751	842	1,095

The importers of French luxuries declared that the restoration of protection would cause our market in France to dwindle; that Germany, already bowed down with the weight of her woe, would cease to be a customer; that Italy would boycott us if we protected our lemon and olive industry; that the United Kingdom, despite her safeguarding of industries act, would cut off her patronage of Uncle Sam; that Canada would take her trade elsewhere if we protected our wheat; that Cuba would sour on our goods if we protected our sugar producers; and that Australia would treat us coldly if we protected our wool. Let us see how those countries responded to those predictions during the first three months of the law; exports to them, herewith inserted, expressed in millions of dollars:

Exports October–December, inclusive.

Country.	1912	1913	1921	1922
France	$62	$63	$62	$87
Germany	126	129	72	81
Italy	25	24	46	53
United Kingdom	223	202	214	254
Canada	98	90	121	167
Cuba	20	20	27	38
Australia and New Zealand	15	16	20	31

These free-trade oracles declared that if we enacted a protective-tariff law the market for our minerals and crude products would shrink; that the farmer would find his products spoiling on his hands for lack of foreign consumers; that the manufacturer would lop off his labor pay roll for lack of markets for his exportable surplus. And how were these oracles confuted? Let us glance at the commodity groups of exports, inserted at this point, again expressed in millions of dollars:

Exports October–December, inclusive.

Group.	1912	1913	1921	1922
Crude materials for use in manufacturing	$333	$340	$299	$391
Foodstuffs, crude, and food animals	65	31	99	101
Foodstuffs, partly or wholly manufactured	90	88	127	139
Manufactures for further use in manufacturing	96	91	95	102
Manufactures ready for consumption	189	192	292	334
Miscellaneous	2	2	2	3
Foreign merchandise, exported	9	8	16	16

Arranging our exports according to the new classifications adopted by the Department of Commerce, and comparing the last three months of 1922 with the similar period for 1921, I insert the following in millions of dollars:

Exports.	1921	1922
Group 0: Animals and animal products except wool and hair	$92	$105
Group 1: Vegetable food products, oil seeds, expressed oils, and beverages	157	168
Group 2: Other vegetable products, except fibers and wood	64	75
Group 3: Textiles	255	332
Group 4: Wood and paper	32	37
Group 5: Nonmetallic minerals	121	138
Group 6: Ores, metals, and manufactures of, except machinery and vehicles	75	78
Group 7: Machinery and vehicles	83	99
Group 8: Chemicals and allied products	24	26
Group 9: Miscellaneous	19	22

Here we find an increase in every group of the export trade, and in the majority of instances a very substantial one.

It is when we attempt to get a line on the imports under the new law that we encounter difficulties. The new law made a general reclassification of imports essential, and following out the instructions of the Department of Commerce the customs collectors have been delayed in rendering returns. Once the reclassifications are established I am assured that the monthly reports of imports will be handled expeditiously. As matters now stand the department is working on the summary of imports for the first month of the new law, which includes the period September 22 to October 31, inclusive. From the figures already made public we are somewhat astonished to find that imports for the first 40 days of the new law totaled $345,082,000. Of these about $60,000,000 came in during the nine days of September, leaving $285,000,000 for October alone. This is $97,000,000 more than came in October, 1921, and once more the lie is given to the free trade prognosticators. I insert here the imports by grand divisions, comparing October, 1921, with September 22 to October 31, 1922 (000 omitted):

Grand division.	October—	
	1921	1922
Europe	$66,769	$116,524
North America	53,442	81,050
South America	17,711	38,860
Asia	45,325	99,998
Oceania	1,915	4,625
Africa	2,842	4,023

Here will be noted a decided increase from every grand division. Imports from the United Kingdom increased from $19,000,000 to $46,000,000; from France, $10,000,000 to $17,000,000; from Germany, $7,600,000 to $13,000,000; from Canada, $29,000,000 to $47,000,000; from Cuba, $10,000,000 to $17,000,000; from Japan, $17,000,000 to $47,000,000. Is there anyone now foolish enough to assert that the Fordney law is a prohibitive law?

I have recently been shown a list containing 69 items which entered into this import trade, of which 33 came in free and 36 were dutiable. They accounted for 86 per cent of the total imports. With the exception of sugar from the Philippines, crude petroleum, copper ore and concentrates, articles of United States manufacture returned on the free list, and fruits (except bananas), nuts, and cotton manufactures, on the dutiable list, there was a marked increase in importation of every commodity listed. The free list totaled $222,624,000, the dutiable

$122,458,000, whence it will be seen that 65 per cent of the imports came in free. The duty collected for the 40 days in question amounted to $54,984,464, or at the rate of $1,374,600 a day. Dividing the customs revenues by the total imports, we establish an average ad valorem slightly under 16 per cent on all imports, and another operation shows that the rate on dutiable imports was a trifle under 45 per cent. Certainly, in view of depreciated foreign exchanges and the consequent purchasing power of the American dollar in foreign lands, coupled with the much wider disparity to-day in labor cost of production here and abroad than it was in 1913, this rate can not be deemed excessive.

Information which I received to-day from the Department of Commerce shows that the imports for last November amounted to $294,000,000, on which customs duties amounted to $41,647,032. This means an average ad valorem for that month of 14 per cent and for the first two months and nine days of the new law of a flat 15 per cent.

However, I shall assume 16 per cent as the average ad valorem rate on all goods, to remain somewhat constant throughout the year, whence we may arrive at some approximation of our foreign trade, using that rate as the anatomical key to the future. I insert a table at this point showing the customs receipts thus far realized, the known imports for October, those estimated on the 16 per cent basis up to March 1, and the known exports:

Month.	Customs receipts.	Imports.	Exports.
Sept. 22-Oct. 30	$54,984,464	$343,083,000	$371,000,000
November	41,647,032	294,000,000	389,000,000
December	37,446,000	234,000,000	344,000,000
January	46,345,991	289,000,000	339,000,000
February	[1] 55,000,000	343,000,000	[1] 370,000,000
Total (5 months)	235,423,487	1,505,000,000	1,804,000,000

[1] Estimated.

On this basis we should find a favorable balance of trade over five months of something like $300,000,000. Should the trade maintain this pace throughout the first full-year operation of the new law, we should record $4,300,000,000 in exports and $3,600,000,000 in imports, or a favorable balance for the first year of $700,000,000. That is running pretty close. I am informed, however, that officials in the Department of Commerce and the Treasury look forward to a trade for the first year of $4,500,000,000 in exports and more nearly $3,250,000,000 in imports, whereby we could realize a favorable balance of $1,250,000,000.

At this point I insert a quotation from the predictions of the Treasury Department which appeared in a recent issue of the Washington Post:

Customs officials some weeks ago revised their earlier estimate of $450,000,000 in collections for the current fiscal year ending June 30 and declared that Government revenue from duties assessed at the customhouses would aggregate $480,000,000. Some of the more optimistic predicted receipts of $500,000,000. These latter officials are arguing that their forecast will prove good unless unforeseen changes occur in international trade, which may cut American imports radically.

GREATER TRADE FORECAST.

While the troubled European situation may affect American imports adversely to some degree, most Government officials who are acquainted with foreign-trade conditions insist that those nations striving hardest to sell in the American markets are maintaining the world position they held when imports into the United States began to creep upward early last year. The Ruhr situation is not expected to have any appreciable effect on world trade, in so far as shipments to the United States are concerned. On the contrary, it was said in some quarters here that the stoppage in production in the Ruhr may have the effect of increasing American exports. If that be true, it was argued, there is likely to be increasing imports into the United States in exchange.

SEE END OF GOLD IMPORTS.

In discussing the import situation, officials here pretty generally hold that the time is rapidly approaching when imports of gold will cease, or be reduced to negligible proportions. The inbound gold shipments have been going down steadily for many months, and the tendency of gold imports to decrease and exports to increase, although the increase has been small, has been most gratifying to Government officials, who believe that an outward flow of gold from the United States would mean a healthier world condition, at least until the enormous stocks of gold held here are spread again among the nations whence they came during the war.

Taken as a whole, the trade situation, in the view of officials, is good, and indications point to a progressive improvement in the situation, barring, of course, world developments that would again impede industrial production. Secretary Mellon recently stated he regarded the domestic industrial situation as "very good," and this view is generally shared by other administration spokesmen, who say that such a condition acts as a leaven in the bread of world trade.

The forecast of the Department of Commerce as to imports, assuming a constant average ad valorem of 16 per cent, would produce about $520,000,000 of revenue the first full year of the law, so the indications are that the estimates of the two departments are not wide apart, and we must accept them as the best available.

In view of what is transpiring, I am personally inclined to think that the Fordney law was, if anything, too low, for imports reaching this huge figure will undoubtedly mean a displacement of American goods, by the time those imports are on the market, of over $6,000,000,000. Our population has increased less than 10 per cent since the Payne law was repealed, and during its last year we imported $1,813,000,000 worth of goods, or, say, at the rate of $18 per capita annually.

The present estimate will give us importations of over $30 per capita, or nearly $60 by way of displacement. Per capita imports will thus have increased 67 per cent while population has increased about 10 per cent. Certainly this favorable balance will be stretched to the limit to pay off so-called invisible balances, build hospitals for the pseudopsychologists from France, succor the starving but militant Russians, enrich long-haired European musicians, their rotund opera singers, their scantily attired muscle dancers, and their anemic painters, without all of which art would stop short of the cultivated sort in these days of old "King Bunk."

I turn now, Mr. Speaker, to a somewhat cursory review of industrial conditions as we find them five months after the restoration of the protective-tariff policy, and I include the farmer, whose industry is such that certain strikers who recently invaded the farming belt to work while their affairs at the factories were in a position of stalemate, were mighty glad to get back in the mills on any reasonable terms because they found life on the farm too all-fired industrious.

I have said that the renascence of American industry is under way. No one who scans the reports which daily come thronging in will find it worth while attempting to disprove that statement.

Steel is frequently referred to as the barometer of the Nation's business. The census reports dealing only with those establishments which operate blast furnaces, steelworks, rolling mills, forges, and bloomeries show that under the four years of the Payne law there was a steady growth in production of this industry from 26,000,000 long tons in the calendar year 1910 to over 31,000,000 in 1913.

In 1914, notwithstanding the advantage accruing to this industry by five months of war orders, production fell off nearly 10 per cent. During the war years, from 1915 to 1918, inclusive, it averaged 41,000,000. It reached peak in 1920 with 42,000,000 long tons. In that year Germany was still out of the competition, Great Britain was harassed with labor troubles, and there was a large demand for building and ship construction materials abroad. Our exports that year totaled $1,113,000,000, but in the same year our imports reached $50,000,000, which in itself had a very material effect on the domestic production of the ensuing year, when it fell to less than 20,000,000 long tons. Last year, as the country settled down to a realization that protection was to be restored, steel production again began to increase.

According to the most recent report, unfiled orders on the books of the United States Steel Corporation on January 31 showed an increase of 165,073 tons over the preceding month. Orders on books were 6,910,776 tons against 6,745,703 tons a year ago. It may also be compared with the 3,800,000 at the close of the first quarter following the passage of the Underwood law in 1914, and with the 6,000,000 tons the first quarter following the passage of the Payne law in 1909.

From Chicago comes the report that the steel mills in that district are practically sold out for the second quarter of the year. Youngstown, Ohio, reports a large number of furnaces blown in which had been idle since November, 1920. Duluth steel mills, closed last winter, now employ 3,500.

Here is an industry which employs easily 500,000 men when operating at normal, at wages undreamed of abroad, and with a high capacity for the consumption of agricultural products. The iron and steel industry, as a whole, employs nearly 1,600,000 hands. The reports show that, whereas the mills have increased production to about 90 per cent of capacity, they find labor an unknown quantity. Despite an advance of wages last September the steel mills are finding it difficult to secure sufficient help. Says the Chicago report:

While steel makers in this district are confronted with a tremendous demand for steel on all sides, operations are not being increased because of a shortage of labor and the uncertainty of the fuel situation.

Similar reports come from the Pittsburgh region. Steel is protected to-day and as a barometer it records fair weather for the entire country.

The tin industry is one of the prize creations of the protective policy. McKinley put it on the map in this country and

the free traders have tried several times since to break it up. In 1919 it produced 3,200,000,000 pounds of tin and terne plate. Prior to 1890 we were entirely dependent upon Great Britain for our supply. If you will read the hearings of just 33 years ago, you will be amused at the fears expressed by the canning industry, which implored McKinley not to protect tin plate, declaring such an act would completely ruin the canning business in this country.

In 1889 we had imported 728,000,000 pounds of plate. We were taking three-quarters of the British supply. Strangely enough, one of our largest consumers of tin plate, the Standard Oil Co., was obliged recently to depend upon British plate again, and that company made a huge purchase of British tin plate to be brought over here in its own boats and made up into oil cans for shipment to the far corners of the earth. And why were they obliged to purchase abroad? They wanted to purchase at home, and they are still in the market for the commodity, but the fact is the tin plate manufacturers are completely sold up and they are unable to meet the requirement of the Standard Oil at this time. What a testimonial that is to the prosperity of that industry!

As for the canning industry, evidently their fears failed to materialize, for in 1919 it counted 72,000 wage earners, $290,000,000 of invested capital, and it was buying $320,000,000 worth of materials. And, what is more important, they are getting tin plate for their cans to-day far cheaper than they were buying it when the British held the monopoly. That is what protection has done for the tin-plate makers and the tin-plate consumers.

Let us consider the automobile industry, which has so rapidly forged to the front that it now ranks second to the steel industry in this country. Something like 2,500,000 workers make their living from this vast business directly or indirectly. Says an authority on the subject, Mr. Hubert McDonnell:

Twelve million cars and trucks is the point of saturation for new cars for new users, which but a few years ago was freely conceded by many authorities but is now admittedly too small. How many vehicles the country can use we do not know, but it looks like 16,000,000 to 18,000,000 at least. Possibly 600,000 new users were added to the list in 1922 without much farmer buying. Possibly that many more may be gathered into the fold this year, especially as rural purchasing power is gradually improving. * * * It is estimated that 1,800,000 cars and trucks will be needed this year for replacement.

The Copper and Brass Research Association after a careful survey predicts that 1923 production will reach 2,800,000 cars and trucks, which will account for 120,000,000 pounds of copper on the present basis of the copper content in the stock car. The grand total of copper consumption chargeable to the automobile industry for 1923 is 135,000,000 pounds. At this point I call attention to the fact that since copper manufactures were given protection there has been an increase of business and mines formerly closed are now reopening.

The lumber industry gives employment to thousands of operatives. How is it responding to the prosperity gong? The National Lumber Manufacturers' Association recently reported that the lumber movement continued at a high level:

Production, shipments, and orders, especially the last two, show large gains over this period for last year, and the first five weeks of 1923 overtop those weeks of 1922 by about 60 per cent in orders and shipments and about 12 per cent in production.

The American cotton textile industry is one which the British manufacturers, personified by Cobden, have attempted for a century to destroy. In more recent years other nations have joined in the attempt, and they have been ably assisted by the free-trade enemy within our gates. In 1832 Senator Hayne, of South Carolina, that prince of free traders, declared:

If trade was free the goods manufactured in this country would be imported from England and paid for in our cotton, but in cutting off the imports you, of course, to the same extent diminish our exports.

But the southern cotton manufacturers have long since repudiated the Hayne idea, and they were as insistent as their New England brethren for protection to their industry in the present law.

The Fordney tariff law gave to the cotton manufacturers what the majority of us believed to be a fair measure of protection. How has the cotton industry responded to that law? I let the Census Bureau speak for me:

ACTIVE SPINDLES PASSED 35,000,000 MARK IN JANUARY FOR FIRST TIME—MONTH'S CONSUMPTION, 610,375 BALES—CENSUS BUREAU DECLARES GROWTH OF INDUSTRY IN COTTON-GROWING STATES IS RESPONSIBLE FOR INCREASE.

WASHINGTON, February 14.—Cotton manufacturing showed greater activity during January than at any time in the history of the industry. The number of cotton spindles active during January passed the 35,000,000 mark for the first time, the Census Bureau's monthly report, issued to-day, showing the number to have been 35,240,853.

Consumption of cotton during January totaled 610,375 bales, which has been exceeded only twice heretofore—in March, 1916, when 613,754 bales were consumed, and in May, 1917, when 613,412 bales were used.

GROWTH OF INDUSTRY.

The growth of the cotton-spinning industry in cotton-growing States is largely responsible for the increased activity. In January cotton-growing States consumed more cotton than in any month in their history, and the number of active spindles was larger than ever before.

Active spindles for the whole country increased from 30,359,843 in January, 1913, to 35,240,853 in January, this year, while in the cotton-growing States the number increased from 11,740,465 to 15,966,294. Consumption of cotton in the same period increased from 533,743 bales to 610,375, the cotton-growing States' consumption increasing from 271,504 bales to 384,019.

COTTON CONSUMED.

Cotton consumed during January amounted to 610,375 bales of lint and 49,804 of linters, compared with 527,945 of lint and 49,078 of linters in December and 526,698 of lint and 13,626 of linters in January last year.

Cotton on hand January 31 in consuming establishments was 1,986,605 bales of lint and 143,415 of linters, compared with 1,921,295 of lint and 123,104 of linters on December 31 last and 1,668,668 of lint and 172,341 of linters on January 31 last year, and in public storage and at compresses 3,481,689 bales of lint and 45,821 of linters, compared with 4,074,945 of lint and 38,103 of linters on December 31 last and 4,621,708 of lint and 132,963 of linters on January 31 last year.

Cotton spindles active during December numbered 35,240,853, compared with 34,968,440 in December and 34,441,419 in January last year.

Imports and exports not available.

Let us glance at the silk industry. Appearing before the Ways and Means Committee on February 3, 1921, the official representative of the Silk Association of America said of the Underwood law:

If any demonstration was needed of the danger of this competition (Japanese and Italian) it has been amply proved under the operation of the Underwood-Simmons bill. It has amply demonstrated that fact.

And referring to the free-trade policy in general, he declared:

The fallacy of the old free-trade attitude that a country should produce only those things which most readily were produced in its economic condition was never more thoroughly demonstrated than in the case of the silk industry in the United States.

Here is an industry which can take care of 125,000 operatives if it can get them. A short time ago the Second International Silk Exposition was held in New York. It was visited by more than 200,000 people and declared to be "the most beautiful exposition of art, industry, and general spectacular magnificence ever witnessed in the history of the world." Mr. Augustin, president of the Silk Travelers' Association, declared:

The activity that developed within the past year has turned into prosperity, and I believe that good times are here to stay for a long time. On all sides we have evidence of increasing demand for raw material, labor, and finished products. * * * The railroads are preparing to carry the largest quantity of freight in their history, and this will include the largest quantity of silk goods the country has ever produced because the silk looms of America will be called upon to produce at full capacity.

In Paterson, N. J., the silk manufacturers are confronted with a shortage of labor. They can not get enough men to put out their orders. "The greatest problem faced by the silk industry of Great Britain is a lack of protection," declared the British delegate to the exposition. Thanks to the Republican Party our silk manufacturers do not have that problem to wrestle with now.

The wool mills have taken up the song. They have been somewhat handicapped by labor disputes, but the skies have brightened and the shuttles are breaking records. In the western market sales of knit goods are active. Wool stocks can not keep up with the demand. Total reported stocks of domestic raw wool in dealers' hands 10 days ago were almost 50,000,000 pounds less than in September. A New York trade paper reports—and I hope those who phophesied increased clothing costs will note—that:

Judging by the opening prices of the American Woolen Co., an organization which is the pacemaker for the market, it can scarcely be denied that there are plenty of fabrics to chose from which will enable the clothing producer to put out a substantial suit at from $25 to $30.

Again this paper says:

In the men's division of the woolen market, the talk during the past week or 10 days has centered on the subtle propaganda that is being pushed assiduously by certain clothing interests to create the impression that, owing to advances in the price of cloths, suits and overcoats will cost from to $5 to $10 more next fall. Any impartial observer who cares to study the opening prices of the mills must inevitably reach the conclusion that the latter have almost unanimously named prices that were not anywhere near the figure which had been anticipated. The propaganda of the clothing men is therefore regarded in the woolen market as being wholly uncalled for and insidious.

And so it goes, Mr. Speaker. I could spin the tale of industrial and agricultural rebirth until my hearers were weary and the epic had taken on the proportions of a tome. Reports of revitalized industry are coming in so fast that it is well-nigh impossible to keep up with them. In fact, I have depended very largely for the information I have received upon the New York Journal of Commerce, which in the main is journalistically sound and almost without exception editorially inconsistent.

The Journal's own news sheets over a period of two weeks in which this information was carried have given the lie to almost everything its editor has said in derogation of the Fordney law.

I preface my remarks on the agricultural situation by quoting from a recent summary of the Department of Agriculture surveying 1922, which—

showed that in the case of all but 5 of our 31 major crops output was greater than in 1921. The volume of these 31 crops was 7 per cent larger than in 1921; and as the December 1 farm prices averaged 25 per cent higher than a year ago, the total value, $7,500,000,000, was about one-third more than in 1921.

1922 PROFITABLE IN LIVE STOCK.

The growers of live stock generally also had a profitable year. The cattle feeders of the Corn Belt bought their lean cattle in the fall of 1921 at very favorable prices and marketed their fat cattle at unusually high levels, so that for them conditions were just the reverse of those of 1921.

In the range situation 1922 showed little improvement over 1921. Prices of range cattle little more than held their own. During the period of inflation western growers speculated heavily in cattle, mostly on borrowed money. Cattle bought in the early autumn of 1920 and sold in the autumn of 1922 did not, after being kept two years, bring the upset price despite the heavy liquidation in cattle during this period. These growers were still in a precarious condition and in the autumn of 1922 forced liquidation of immature cattle and breeding stock reached unprecedented proportions.

There are indications, however, that the worst is over for this class of farmers and that the coming year should show decided improvement. Beef consumption is on a much healthier basis than a year ago, and the terrific liquidation should bring about a better balance between supply and demand.

RECOVERY IN SHEEP AND WOOL.

The recovery in the sheep situation in 1922 over that of the preceding year was truly remarkable. The 1922 wool clip and lamb crop brought record peace-time prices. It is conservatively estimated that there was a 35 per cent falling off in the flocks. It is not strange, therefore, that prices of breeding sheep were more than doubled. This advance greatly improved the sheep grower's credit standing at the bank.

Bear in mind in this connection that the emergency tariff law went into effect May 27, 1921, carrying protective rates on practically all farm products. According to the department, live stock in the United States—cattle, hogs, and sheep—were appraised at $2,973,000,000 in 1922 and $3,323,000,000 for the present year, an increase of nearly 12 per cent.

While we are considering the tariff and its effects in promoting the prosperity of the farmer I desire to quote from a recent statement of Mr. David Friday, president of the Michigan Agricultural College, who exhorts the farmer to cater to the domestic market instead of flying to evils that he knows not of in foreign fields. Says President Friday:

The best evidence available indicates that the total wages and salaries paid by Government and by industries other than agriculture amounted to $38,000,000,000 for the year 1920. They fell in 1921 to $30,000,000,000. They can not be less than $33,000,000,000 for the year 1922, and will probably be larger in 1923. It is doubtful whether these payments ever were as large as $18,000,000,000 in any pre-war year. The purchasing power of the inhabitants of our cities and towns is therefore adequate to absorb a large volume of agricultural products at prices materially higher than those of the pre-war period.

Nor do wages and salaries constitute the entire income of the people living in the cities and towns who buy and consume the products of our farms. They are less than three-quarters of that income. Rents, interests, and profits make up another $12,000,000,000 of income of the urban dwellers. When this is added to the wages and salaries we have a total spending power in our cities and towns of $45,000,000,000 for 1922. If prosperity continues for 1923 it will amount to even more.

The greatest foreign market that the food producers of this country ever enjoyed was in 1919, when the war-swept pantries of the European powers had to be replenished biding the time when they could make some shift for themselves. That year we exported $2,641,000,000 worth of foodstuffs, crude and prepared, and food animals. At the rate business is booming it is wholly probable that by the middle of the current year, certainly by the end of the year, the purchasing power of those employed in industries other than agricultural will exceed by twenty times our exports of foodstuffs in the banner year 1919. Is any man so brain stricken as to believe that the farmer can be cozened into abandoning his domestic market, a prey to free trade, while he goes on the still hunt for foreign markets to take its place?

In the Saturday Evening Post for February 10 one of those "economic experts," with which the country is at present cluttered, makes this statement:

That a high protective tariff on manufactured goods is not to the interest of farmers, whose products are largely sold on the basis of prices fixed in international markets, ought to require no argument by this time. * * * Yet farmer Republican votes two years ago elected the Congress which coolly enacted a tariff law carrying rates even higher than those in the Payne-Aldrich bill. Many farmer Representatives in Congress voted for the last tariff bill.

I have discussed the rates of the present law, and have shown the falsity of that statement. It is just such statements as these, made by half-baked students of the tariff who never had a callous on their hands, which characterized the campaign against the Payne tariff law.

As for the assertion of this gentleman that the farmer's prices are fixed in the international markets, is any farmer in this land ninny enough to believe that the $15,000,000,000 worth of farm products raised in 1919 had their prices set by international markets, when exports of foodstuffs were $2,500,000,000? When did the tail wag the dog? What does happen is, that when the domestic market is flooded with cheap foreign foods the prices which the American farmer receives at home are depressed.

Mr. Speaker, it has been the classic argument of the opponents of protection that if we could not produce a commodity in this country as cheaply as it could be produced somewhere abroad, then the domestic producer should quit and go into some other line of business, just what is not stated. I have often wondered how that would work out in actual practice, but I have never heard it intelligently discussed. Let us consider the proposition for a moment:

Taking some of our basic industries as they existed in 1919, I find from the Statistical Abstract for 1921 that there were 447,000 wage earners in the cotton goods, lace, and small wares industries, earning $369,000,000 in wages. The capital employed totaled nearly $5,000,000,000, the cost of materials came to $1,315,000,000, the value of products was $2,200,000,000, and the value added by manufacture, $880,000,000. But they can produce these goods more cheaply in Great Britain, Germany, and Japan, so we will wipe out the American cotton manufacturing industry and send the workers on their way.

In the silk-goods industry are employed 127,000 hands, earning $108,000,000; capital employed, $533,000,000; value of products, $688,000,000; value added by manufacture, $300,000,000. But they can manufacture silk goods more cheaply in Japan, China, France, and Italy than we can in the United States, so we will pitch the silk manufacturers into the silken free-trade web of these foreign producers and go out of the silk business, leaving the operatives to find some other work.

In the woolen and worsted industries we employ about 170,000 hands, earning wages totaling about $174,000,000; capital employed, $856,000,000; cost of materials, $700,000,000; value of products, $1,118,000,000; value added by manufacture, $418,000,000. Wool consumption averaging nearly 600,000,000 pounds is about their average when busy. In 1919 we had about 49,000,000 sheep, valued at $568,000,000, and produced 314,000,000 pounds of wool. But they can raise wool more cheaply in Australia, South Africa, Argentina, and Uruguay, and they can make it up into clothing more cheaply in Great Britain, Germany, and Belgium; so we will strike out protection and decide that the American sheep and the American wool mill do not belong to our scheme of things.

To these three industries we may add the knit-goods industry, employing 173,000 wage earners, receiving $125,000,000 in wages; capital employed, $516,000,000; cost of materials, $427,000,000; value of products, $713,000,000; and value added by manufacture, $286,000,000. Unravel the knit-goods industry. It is an outlander.

The printing and publishing, book and job industry employs 123,000 operatives, earning $141,000,000, cost of materials $211,000,000, and value of products $598,000,000. But they can handle that work cheaper in Europe, so we will put that in the discard and feed ourselves to surfeiting on European propaganda.

The tobacco business employs 157,000 hands, earning $124,000,000. It purchases $483,000,000 worth of materials, and the value of its products is $1,013,000,000. With respect to this industry our southern Democrat friends are singularly silent, but logically it should go with the rest and be consigned to the scrap heap, since there are other countries which can produce more cheaply; therefore tobacco is an exotic in the United States.

Our total sugar crop in 1919 was valued at $162,000,000; potatoes, $639,000,000; wheat, $2,074,000,000; corn, $3,508,000,000; farm animals, excluding sheep, $8,300,000,000; orchard fruits, $431,000,000; grapes, $95,000,000; subtropical fruits, $115,000,000; nuts, $30,000,000. But Cuba has the edge on us in producing sugar and subtropical fruits, Canada on wheat, Bermuda on potatoes, Argentina on corn and farm animals, Spain and the Orient on nuts and peanuts, and some other countries on orchard fruits. So what right have we to continue in such business? According to our free trade friends, to continue in such industries is to perpetuate economic heresy.

There were over 9,000,000 wage earners in the manufacturing industries in 1919, earning $10,500,000,000 in wages, and those industries purchased $37,000,000,000 worth of materials, the value of their products being $62,000,000,000. This does not include the so-called "white-collared" worker, the banker,

the professional men and women, and countless others who are next to feel the pinch of hard times when the mills close down and the laboring man steps out. But, altogether, the incomes of these people go to make up the $45,000,000,000 referred to by Mr. Friday, and when those incomes are cut the purchase of farm products is cut. Free trade is like a knife on the protective insulation of a cable. The moment you cut through the protection you short-circuit the entire system, and the fuse at the Treasury Department blows out in the form of a bond issue.

What would have become of us, Mr. Speaker, if the free trade party had had its way in 1897, or even in 1909? Talk about who won the war! Why, protection won the war! From July 1, 1914, to December 31, 1918, we exported over $22,000,000,000 worth of crude materials, farm products, and manufactured goods, and the great bulk of that vast amount was consigned to Europe. They had no adequate commissary but ours, and since an army moves on its belly the Allies could not have moved—they could not have maintained their ground—without our food supplies. They would have been powerless without our titanic mill development. We struck like the hammer of Thor and they directed the blows, as long as we were noncombatants.

The imperial war lords were thoroughly cognizant of that fact, and that was why they attempted to rule us off the Atlantic. It was common gossip and was admitted by England that she would starve in two weeks if the lanes of supply from the United States were closed. The repeal of the corn laws in 1846 had reduced her to the extremity where she could not feed her insular population in time of peace let alone war and the colonies cut off.

Had the Democratic tariff policy prevailed over any length of time the opening of the war in Europe would have found us utterly incapable of meeting the demands of the Allies for food and munitions, and I prophesy the day will come when some future Creasy will declare that the economic strength of the United States was the dominating factor which prevented the Hun from overrunning Europe and perhaps the world. That strength was nurtured and developed by the protective-tariff policy which, with two slight interruptions, had kept its vigil over American industry ever since the Civil War. That should be our justification, Mr. Speaker. That should be our pride: That we were able to reinforce the Allies with our substance and strengthen their arms. But to argue the success of free trade by pointing to the profits taken from the hell of war creates a stench in the nostrils and a positive disgust for the political sophist who is driven to such an expedient.

Placed under the yoke of free trade for a decade and we would practically be without sheep and wool, one of the most necessary commodities for our soldiery. Dependent in large measure upon Australia for our wool, we would find ourselves in dire straits in case of war with an oriental power, which I pray will never come, but which is not beyond the range of possibility. And to carry the free-trade principle and the argument which supports it to its logical conclusion, we would revert to mere hewers of wood and drawers of water. In that way we would conserve the potential wealth of the United States for the aliens of the earth who, under the ægis of internationalism, might be invited into the New World to gorge themselves at a banquet board from which we had been debarred. I for one shall countenance no such national sacrifice.

Mr. Speaker, if there is one thing on earth which is satisfying to the average employer it is to be able to give a job to a man who is willing to work and needs employment. Picture Uncle Sam as the boss of the greatest industrial establishment in the world, of which the Government service is the clerical force. And picture him with his wheels blocked, his furnaces blown out, his spindles silent, his plows rusting, his mines flooded, his rails warped under the blight of free trade. A man comes to him and demands work, because "in the sweat of thy face shalt thou eat bread." And Uncle Sam replies, "I am very sorry, my man, but my stockholders have placed in charge as foreman of the works the free-trade party. He has been given complete authority for four years, at least, to conduct the plant as he sees fit. He has seen fit to cut down its output—eventually to close it out—believing it is wiser to purchase our textiles, our steel manufactures, our farm products, and everything we need to make life worth while from foreign nations. I can not give you a job and will not, for he is retrenching on output."

What would that man think? If he thought at all, he would suddenly make the discovery that he was a partner of Uncle Sam; that it was a majority of just such as himself who had put the foreman on the job and himself off the job. And he would say at the first opportunity, "Here, Mr. Foreman, you get out. I want my job back, and you are keeping me out of it." And that is exactly what he said in 1920.

I wish to refer now somewhat briefly to the style of campaign that is being waged against the present tariff law with a view to returning those to power in 1925 who, like the Bourbons, "learn nothing and forget nothing," and who will revert to free trade as readily as the dog is turned to his vomit.

In the fall campaign of last year the Democrats spread the falsehood that the new tariff law would mulct the American people of $4,000,000,000 annually. There were no authentic figures on which to base such a statement, and none could be produced. It was simply a bald statement. A short time ago the New York World, which almost daily repudiates the caption of its editorial column, scaled this amount down to $3,000,000,000, a revision downward of 25 per cent, without ryhme or reason for the figure given. Still more recently another of those "economic experts" who spring from the head of the Democratic donkey full panoplied with statistics which are almost solely the fruit of introspection, declared that the tariff law means an additional tax to the people of $1,715,000,000 annually, and that producers of protected farms gain $125,000,000 through protective duty rates, but that they are set back $95,000,000 by increased cost of imports, leaving but $30,000,000 as their gain.

The purveyor of these nonsensical figures set down in "Who's Who" as a Democrat. Not one of the three sums mentioned has the slightest scintilla of fact for its foundation, and the farmer who permits his credulity to accept them is lending himself to a wicked propaganda which, if successful, will work to his undoing.

Working hand in hand with these "economists" is the president of the National Drygoods Association, who was recently reported in a local paper as predicting that the average farmer and his family will not be much of a tariff beneficiary. "Mr. Straus," says the reporter, "is in a position to obtain very accurate information on the subject. His association is probably the greatest distributing organization on earth. Its 2,000 members employ 400,000 people and purchase $2,250,000,000 worth of merchandise yearly." I dare say they do, Mr. Speaker, and I dare say among their membership will be found most of those concerns which make up the importers' combine to which I have referred. And I make bold to say that they would be glad to purchase that entire $2,225,000,000 worth of goods from Europe and bring it in free of duty and continue their nefarious 2,300 per cent gouging of the American people. And I am confident that the Secretary of the Treasury is in "a position to obtain very accurate information on the subject," as he did last fall, as I have shown heretofore. And I pause to ask what percentage of that great purchasing power of merchandise represents farm products?

These people have no primary desire to sell to the farmer. What they do is to shake the urban dweller down for all they can get and then pass their surpluses on to the small town stores if they can not otherwise dispose of them. They put the thumbscrews on the metropolitan press by threatening to remove their advertising, and they are now seeking the farmer's vote to help them displace American goods with their foreign dress goods and fancy toilet preparations, and the hundred and twenty-two other commodities and more, referred to by the Treasury report. I have indicated what we may expect in the way of imports. To equal the $1,700,000,000 charge on our people the average rate on the dutiable goods would have to average about 140 per cent. To equal the charge set by the Democratic Party in the late campaign it would have to be 333 per cent.

As indicative of the fallacy of such assertions let us cite potatoes as an example. Last fall the New York Herald, condemning the proposed Senate rate of 35 cents a bushel on potatoes, stated that our daily consumption was 1,000,000 bushels, and declared:

> On a million bushels of potatoes consumed a day, 35 cents runs up to a neat total of $350,000 or $127,750,000 annually as a tariff charge on the American people.

Since the law as passed carried a duty of 50 cents a 100 pounds, or 30 cents a bushel, according to such reasoning this should result in a charge of $110,000,000 annually. A recent crop report of the Department of Agriculture informs us that—

> An estimate of the potato stocks on hand January 1 showed a larger quantity, a larger percentage of the crop, and a larger proportion in the hands of the growers than in any of the nine years preceding. Plainly the growers have had extreme difficulty in moving the record-breaking potato crop. The great surplus is in the West. Wisconsin, Minnesota, North Dakota, Colorado, and Idaho have more potatoes on hand than in any recent season, while Michigan, South Dakota, and Nebraska also have unusually large reserves. On the other hand, Maine has less than in any one of the past five years, while New York and Pennsylvania have only about an average quantity on hand. Thus the situation favors the eastern holders. Because of the light supplies within easy shipping distance, eastern markets have shown a much stronger tendency than western. Shippers in the Rocky Moun-

tain section have been selling No. 1 sacked potatoes at 40 cents per 100 pounds f. o. b., while the Great Lakes regions quoted around 60 cents, and western New York and northern Maine 90 cents to $1. Prices paid to growers were still less, ranging from 15 cents per bushel in the Rocky Mountain section to 45 cents in western New York.

Certainly the growers are not adding that 30 cents a bushel duty to their prices, and it is equally apparent, when the cost of handling is considered, that the shippers have not added 50 cents a hundred to theirs. The law of supply and demand has thoroughly punctured the argument of added duty, and what applies to potatoes applies to other commodities. When I pay 20 cents for one Idaho baked potato at a first-class hotel I do not blame that price to the 30-cents-a-bushel tariff. Any man who had even the eye of a potato would see the asininity of the assertion that the duty on an imported article is unconditionally added to the price of the domestic article with which it competes. The fact is that by giving the American producer a chance to compete the foreign importer will be compelled to stop gouging the public.

Mr. Speaker, no tariff law was ever framed that gave complete satisfaction to all concerned. This one is no exception. In the turmoil of compromise—and nearly all legislation is compromise—there must be some who think they did not get that to which they were justly entitled. The greatest good to the greatest number is the best for which we can hope.

The present law contains some features with which I am not in sympathy. I believe that we should have protected potash. The assertion that the farmers would have suffered thereby, and which prevailed, is identical with that made in 1890 by the canners. We have untold possibilities for producing potash if the industry can be encouraged and not rendered a victim to German monopoly. The United States Geological Survey, after a complete investigation, has just discovered that there is enough potash in the green sand marls of New Jersey to supply the needs of this Nation for 1,000 years. The survey says:

For more than a hundred years the green sands of New Jersey were dug and marketed for use as fertilizer, and in the late sixties the quantity so used annually amounted to nearly 1,000,000 tons. With the introduction of prepared fertilizers the green sand marl industry gradually died. * * * While several companies have undertaken to produce potash from New Jersey green sand, and some of the companies have marketed small quantities of potash, there are none now actually producing.

In Utah and other parts of the country there are potash possibilities. But the potash duty was thrown out in conference and we reverted to our former dependence upon Germany. The gentleman from New York [Mr. CROWTHER] recently said:

Of course, just the minute the tariff is taken off an article, naturally the price goes up. We had a great furor here with the agricultural bloc about potash, and they took potash off the tariff list and put it on the free list, and since then it raised 200 per cent in price at one jump and 145 at another, and to-day it is 345 per cent higher.

And it is still going. A cable report recently received by the New York office of the Alsatian Potash Society said there had been a rush on the French mines "for fear that there will be a big advance in the price as a result of the possibility of the German mines not being able to fulfill the orders which they have received." Of course, the substitution of a French for a German potash monopoly is not going to help American consumers, as any American doughboy who has served in France can tell you. It is ridiculous to suppose that the American potash producers, if they had received protection, would have elevated prices 345 per cent. Even had they been disposed to do so, they would have been deterred from such action by the potentialities of German or French competition. But the German and French producers have no fear of the American industry under free trade. Soon after the tariff went into effect it was announced that a German monopoly had made arrangements with its selling agent in the United States to handle the entire German export to this country and to set the price for all the traffic would stand, but if the American producers should start up, the price was to be lowered below our production cost in order to chloroform them again. It is a game of "pussy wants a corner" with the Germans holding the corner and the Americans crowded out. And the Nation is the loser.

I think it was a cruel and inhuman act to place Pima long-staple cotton on the free list. It carried 7 cents a pound under the emergency tariff, and that was good Republicanism. The industry, thanks largely to war prohibition of imports, had expanded from 375 bales in 1912 to 92,561 bales in 1921. The report of the United States Tariff Commission declared last fall "the fine-cloth mills afford the most striking instance of the substitution of the cheaper Pima for Sakellarides during recent months. These mills, when they use Egyptian, require mainly Sakellarides, but their consumption of Egyptian cotton has decreased and their consumption of Pima greatly increased." During the second week in February it was reported from Boston that—

The largest cargo of Egyptian cotton ever brought to this country by a vessel flying the American flag arrived here to-day on the Shipping Board steamship *Hog Island* from Alexandria. It was the eighth cargo of Egyptian cotton to arrive at this port this season. The *Hog Island* brought 14,380 bales, valued at $3,500,000. Not only were the vessel's holds filled to the hatch combings, but all her storerooms, the firemen's forecastle, and every inch of available space on the ship was utilized for cargo.

That represented the sacrifice of the Arizona producer to the Egyptian employer of fellaheen labor, and the probabilities are that the American Pima cotton industry will perish in its cradle in order that the progeny of old Tut-ankh-Amen may prosper. The free traders may say "amen" to that, but I will wager that it is not the language used in Arizona. I am inclined to believe that as the Luxor investigation proceeds the Egyptologists will be confirmed in their surmise that it was the late Mr. Tut who decreed the expulsion from Egypt, and that he was dealing with the importers' combine of 33 centuries ago.

I believe we were wrong in not protecting hides. That is a tariff field on which many a long-drawn-out battle has been fought, and to marshal its intricacies would be to burden the RECORD. But, after all, it comes down to this, that anything which lowers the price which the American cattle producer receives for his product will sooner or later be felt all along the line and not beneficially. The press already reports vast orders being placed in South American countries for hides, and the time is not far off when our hide producers will feel the pinch of unprofitable prices. A compensatory duty on leather manufactures would have satisfied the producers of leather, and would have injured no one.

I think we would have done well to restore the Payne rate of 8 cents a hundred on imported cement. The American cement industry counts 115 plants with an invested capital of $310,000,000, employing 36,500 men who are paid $61,500,000 annually, or $6.50 a day on a 300-day basis. We placed cement on the free list with the proviso that any country or dependency which placed a duty on our cement should have a like duty placed on cement coming into this country from there. But the evidence adduced was that Canada, particularly in the West, possessed much cheaper labor; free cement will encourage the establishment of mills in Mexico to compete with our mills on that border; and since the cement factories of Europe were unscathed by war, they will have no difficulty getting into our market, shipping cement in ballast, if necessary. We have invited competition without restriction, and sooner or later we will get it.

In these days, when the international struggle for the control of petroleum sources is so pronounced, I think we might well have afforded some protection to our own producers in Pennsylvania, Texas and Louisiana, California, Oklahoma, and the Middle West. I apprehend the day will come during the life of the present law when we will regret that we free listed this product, for sooner or later the imports from Mexico, Colombia, and other quarters will be cutting the ground from under the American producers.

As for the 50 per cent sliding scale provided for in section 315 of the law, I wish it well, but I have some doubts as to its expediency:

"There is strong likelihood that we have witnessed the last general political revision of the tariff," declares John E. Edgerton, president of the National Association of Manufacturers. "Whatever differences of opinion may arise with respect to rates and schedules in the tariff act of 1922, its administrative provisions represent a great constructive advance. Within a standard established by the Congress, the Chief Executive, upon the investigation and recommendation of the Tariff Commission, may adjust rates within 50 per cent limits to equalize costs of production in our competition with foreign producers. If the validity of the legal principle is sustained, as I have no doubt it will be, and the administrative experiment is successful, as I believe it must be, the occasion for general political revisions of the tariff is passed."

It seems to me that in adopting this provision we surrendered to expediency a very high prerogative of the House; that, acknowledging our impotence in tariff matters, we "passed the buck." This is but another manifestation of that intense centralization of power in the hands of the Chief Executive which we all deplore but to which we of late years have been all too prone to submit. However, it has been done, and we must hope for the best.

It was my thought, while collecting the data for these remarks, to ask leave to place in the RECORD the reports made public by the United States Employment Service of the Department of Labor and by other agencies—amazing improvement in the labor situation since the new tariff law went into effect. But the truth is it is well-nigh impossible to keep up with the pro-

cession. The director for the Middle Atlantic district reports that in New York—

despite the release of thousands of workers on outside construction who have been absorbed in other lines of trade, a growing scarcity of labor continues to exist throughout several districts in the State. Weather has not interrupted operations in mills and factories, although transportation in some sections has been impeded. Locomotive works and car-building plants are increasing employment, likewise shop repairs and equipment, metal and machinery, metal furniture and woodworking plants, leather and shoe industries, silk mills, paper and printing plants, shipbuilding and repairs, and structural fabricating shops. Cotton and cotton-goods manufactures continue to make gains. Heavy demands for railroad, automobile, and building-material manufactures reflect the unprecedented activity in the iron and steel industry.

In New Jersey shortages of skilled and semiskilled workers and common labor obtain in all parts of the State, while the "farmers are calling for help." Pennsylvania can not achieve more than 85 per cent capacity in basic industries for lack of labor. In New England practically all plants are operating full time, and Massachusetts faces a shortage of cotton-mill operatives. From the mountain district, comprising Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, and Nevada, Director Record states that increased mining activities have caused the supply and demand to become fairly well balanced, with a shortage of certain classes of labor. In California, advancing winter has caused some cessation of work in the construction and lumber camps of the higher altitudes, but "lumber mills continue to operate at capacity and in some places are working double shifts." In Oregon the lumber mills are operating on unfilled orders. It is no longer a question, as it was in 1914 and again in 1921, of what to do with our workers. The question now is, Where are we to find enough of them? Wilson failed to keep them out of war. We have not failed to put them back to work.

Mr. Speaker, as I recall the enervated and narcoticized industries of 18 months ago and compare them with the bustle and activity of to-day I am forcibly reminded of that passage in Tennyson's "Day Dream" picturing the revival, after the "Sleeping Beauty," whom we may take to represent industry, had been kissed by the "Happy Prince," to whom we may assign the rôle of protection:

A touch, a kiss! The charm was snapt,
There rose a noise of striking clocks,
And feet that ran, and doors that clapt,
And barking dogs, and crowing cocks;
A fuller light illumined all,
A breeze through all the garden swept,
A sudden hubbub shook the hall,
And sixty feet the fountain leapt.
The hedge broke in, the banner blew,
The butler drank, the steward scrawl'd,
The fire shot up, the martin flew,
The parrot screamed, the peacock squall'd;
The maid and page renewed their strife,
The palace banged and buzzed and clacked,
And all the long-pent stream of life
Dashed down in a cataract.

And now to enter the last phase of my discussion, a phase to which but little attention has been paid in all the welter of tariff debate.

Mr. Speaker, for the past few years this country has had an oversupply of those who, while preaching free trade and internationalism, have busied themselves in what they are pleased to call uplift for the farm dwellers and the urban workers. The amount of energy they expend in attempting to foist their ill-digested theories on a long-suffering public is appalling. The amount of real, honest, constructive labor they perform does not, all told, represent sufficient kinetic energy to place one brick upon another. I have no doubt that many of them believe they are carrying out some Heaven-assigned mission. I know that some of them are too utterly lazy to do anything but yammer for a living.

The people of this Nation have little need for the services of the professional uplifter who is constantly attempting to make the wage earner dissatisfied. Our workingmen are far and away the best paid, best fed, best clothed, best educated, best housed, and best advertised workingmen in the world. Our farmers, though they have experienced much economic suffering, when compared with the brothers to the ox in Europe and the Orient are infinitely better environed.

That great British economist and publicist, J. Ellis Barker, some years ago—before the war—came over here to investigate the conditions of the British operatives in the textile mills of New England and the effect of protection on their livelihood. He reported that without exception every Britisher who counted thrift among his virtues was able to live better, work shorter hours, earn higher wages, and get more enjoyment out of life than he could in England. But the point which interested Barker most was that the British workman could save more money here than he earned in the English mills. And England, next to the United States, pays the highest wages.

Millions of men have come here from Europe, many of them to remain permanently, because of the high wages they could depend on in this country. The glory that was Greece's has well-nigh been restored, economically, by the money sent home by the Greek fruit dealer and the Greek restaurateur. The grandeur that was Rome's has been brought back, economically, by the earnings of South Italians who have labored in our mines and on our railroads. The whole southern part of Italy and nearly all of Sicily are dotted with comfortable little houses erected by men who went to America to "earn-a da mon." The Baltic States, Poland, France, Germany, and the Scandinavias, all have either been benefited by wages saved here and sent back or by the relief of economic pressure caused by emigration to this country. From the Hebrides to Syria, from Finland down to Crete, the influence of the American pay roll has been felt and appreciated. These races came here because of the enlarged opportunities for material welfare. They came because American wages were the wonder of the century—because the share which labor received for its contribution to the upbuilding and development of this Nation was the largest anywhere received. And the wages we were able to pay were the direct result of the protective-tariff policy. Not America alone has protection built up, but our largess has been distributed over the face of the earth. Under free trade we could not possibly have developed as we have. Any growth which we might have attained would have been a slow, laborious, and painful process had free trade been the rule. And the level of the American wage earner would have been precisely that of the European, offering no temptation to the latter to come here and better his condition.

Of late years organized labor has taken the stand that labor is not a commodity; that no man's toil should be the subject of barter and sale, but that the laborer is worthy of his hire; that he is entitled to just compensation, the highest wage permissible with profitable operation. With that view we have no quarrel. But Gresham's law that "bad money drives out good" has its parallel in a law equally well established, namely, that the products of low wages drive out the products of high wages unless the former are restricted.

We can not, we will not, impose upon our wage earners the pitiful standards of Europe and the Orient. And I say to these uplifters that if they must find an outlet for their energies, let it be in those countries where peasantry exists. Let them propagandize the workingmen and the capitalists of the Old World and work to raise the standards abroad to the level of the standards at home, not try to pull American standards down to the level of the European peasant and the oriental coolie. There is the field for their efforts. This is no place for them to foment discontent.

As for the employer class, I say to them: Get down among your men; mingle with them, learn their psychology. Factory absenteeism breeds more envy than landlord absenteeism ever did. Remember the words of Webster:

Labor in this country is independent and proud. It has not to ask the patronage of capital, but capital solicits the aid of labor.

The employers who come into personal contact with their copartners in production are the ones who are least harassed with industrial strife.

And now, Mr. Speaker, I will conclude my remarks by declaring that, all things considered, having in mind the innumerable problems with which Congress had to wrestle, this Fordney tariff law as a protective measure, a revenue raiser, and a stimulus to industry and agriculture is a splendid piece of work. The Republican Party can go to the country with it in the presidential campaign of 1924 in perfect confidence that it represents a duty well performed. It presents a defense which is impregnable to Democratic assault so long as the great majority of the people hold steadfast to the principles which they have supported for generations. The Underwood law dragged out a miserable existence of nine years, nearly five of which were years of war embargo. I bespeak for the Fordney law at least a decade, wherein the blessings of peace, protection, and prosperity may be showered upon the most wonderful nation under the sun.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was presented by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolutions of the following titles:

On February 26, 1923:

H. R. 4619. An act for the relief of the Link-Belt Co., of Philadelphia, Pa.;

H. R. 4620. An act for the relief of Th. Brovig;

H. R. 4622. An act for the relief of the Lloyd Mediterraneo Societa Italiana di Navigazione, owners of the Italian steamer *Titania;* and

H. R. 6177. An act for the relief of the owner of the fishing smack *Mary S. Dolbow.*

On February 27, 1923:

H. R. 9049. An act declaring the act of September 19, 1890 (26 Stat., ch. 907, sec. 7), and the act of March 3, 1899 (30 Stat., ch. 425, sec. 9), and all acts amendatory of either thereof, shall not hereafter apply to a portion of the west arm of the south fork of the South Branch of the Chicago River, and for other purposes; and

H. R. 8214. An act to compensate the owners of the American steamship *Vindal* for damages and expenses in repairing the said steamship, and to make an appropriation therefor.

On February 28, 1923:

H. R. 14254. An act to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922;

H. J. Res. 418. Joint resolution authorizing the use of public parks, reservations, and other public spaces in the District of Columbia; and the use of tents, cots, hospital appliances, flags, and other decorations, property of the United States, by the Almas Temple, Washington, D. C., 1923 Shrine Committee (Inc.), and for other purposes;

H. R. 3836. An act for the relief of Nolan P. Benner;

H. R. 10529. An act for the relief of Harry E. Fiske;

H. R. 13660. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1924, and for other purposes;

H. R. 3461. An act for the relief of Eugene Fazzi; and

H. J. Res. 460. Joint resolution accepting the sword of Gen. Richard Montgomery.

On March 2, 1923:

H. R. 13793. An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes;

H. J. Res. 453. Joint resolution requesting the President to urge upon the governments of certain nations the immediate necessity of limiting the production of habit-forming narcotic drugs and the raw materials from which they are made to the amount actually required for strictly medicinal and scientific purposes;

H. R. 6423. An act to detach Pecos County, in the State of Texas, from the Del Rio division of the western judicial district of Texas and attach same to the El Paso division of the western judicial district of said State;

H. R. 7267. An act granting permission to Mrs. R. S. Abernethy, of Lincolnton, N. C., to accept the decoration of the bust of Bolivar;

H. R. 9862. An act for the relief of the Fred E. Jones Dredging Co.;

H. R. 10003. An act to further amend and modify the war risk insurance act;

H. R. 10816. An act to fix the annual salary of the collector of customs for the district of North Carolina;

H. R. 12751. An act to convey to the Big Rock Stone & Construction Co. a portion of the hospital reservation of United States Veterans' Hospital No. 78 (Fort Logan H. Roots) in the State of Arkansas;

H. R. 13032. An act to authorize the sale of the Montreal River Lighthouse Reservation, Mich., to the Gogebic County Board of the American Legion, Bessemer, Mich.;

H. R. 13827. An act relating to the sinking fund for bonds and notes of the United States;

H. R. 14317. An act granting permission to Capt. Norman Randolph, United States Army, to accept the decoration of the Spanish Order of Military Merit of Alfonso XIII;

H. J. Res. 47. Joint resolution authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy, at Annapolis, Mr. Jose A. de la Torriente, a citizen of Cuba;

H. R. 1290. An act for the relief of Cornelius Dugan;

H. R. 2702. An act for the relief of J. W. Glidden and E. F. Hobbs;

H. R. 5251. An act for the relief of Ruperto Vilche;

H. R. 7010. An act for the relief of Southern Transportation Co.;

H. R. 9309. An act for the relief of the Neah Bay Dock Co., a corporation;

H. R. 6358. An act authorizing the accounting officers of the Treasury to pay to A. E. Ackerman the pay and allowances of his rank for services performed prior to the approval of his bond by the Secretary of the Navy;

H. R. 6538. An act for the relief of Grey Skipwith;

H. R. 8046. An act for the relief of Themis Christ;

H. R. 8921. An act for the relief of Ellen McNamara;

H. R. 11340. An act to advance Maj. Ralph S. Keyser on the lineal list of officers of the United States Marine Corps so that he will take rank next after Maj. John R. Henley;

H. R. 11738. An act for the relief of Maj. Russell B. Putnam;

H. R. 13272. An act granting a license to the city of Miami Beach, Fla., to construct a drain for sewage across certain Government lands;

H. R. 13978. An act granting the consent of Congress to the Hudson River Bridge Co., at Albany, to maintain two bridges already constructed across the Hudson River; and

H. R. 14081. An act granting the consent of Congress to the Valley Transfer Railway Co., a corporation, to construct three bridges and approaches thereto across the junction of the Minnesota and Mississippi Rivers, at points suitable to the interests of navigation.

BELLEAU WOOD MEMORIAL ASSOCIATION.

Mr. VOLSTEAD. Mr. Speaker, I call up from the Speaker's table S. 4552, to incorporate the Belleau Wood Memorial Association, an identical bill having been reported by the Judiciary Committee of the House and now being on the calendar.

The SPEAKER pro tempore. The gentleman from Minnesota calls up a bill from the Speaker's table, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That Ira E. Bennett, Tasker H. Bliss, Nathalie Boynton, Marie Moore Forrest, Elizabeth Van Rensselaer Frazer, James E. Freeman, Margaret Overman Gregory, Harry V. Haynes, John A. LeJeune, A. L. McClellan, Wendell C. Neville, Frank B. Noyes, John Barton Payne, Augusta Reath, Alice Hay Wadsworth, John Walsh, and their associates and successors are hereby created a body corporate by the name of "Belleau Wood Memorial Association."

SEC. 2. That the purposes of this corporation shall be: (a) To erect such buildings and monuments and establish such institutions as it may deem appropriate as a memorial to the men of the American Expeditionary Forces who fell at Belleau Wood and vicinity during the World War; (b) to acquire and maintain the whole or any portion of Belleau Wood, Department of Aisne, France, for memorial purposes; (c) to solicit and obtain members; (d) to charge and collect membership dues, and to solicit and receive contributions of money, to be devoted to carrying out such purposes; and (e) to engage generally in work for the benefit of those who suffered during the World War on the side of the allied and associated governments.

SEC. 3. That the corporation (a) shall have perpetual succession; (b) may sue and be sued; (c) may adopt a corporate seal and alter it at pleasure; (d) may adopt and alter by-laws not inconsistent with the Constitution and laws of the United States or of any State; (e) may establish and maintain offices for the conduct of its business; (f) may appoint officers and agents; (g) may choose a board of trustees consisting of not more than 15 persons nor less than five persons, to conduct the business and exercise the powers of the corporation; (h) may acquire, by purchase, devise, bequest, gift, or otherwise, and hold, encumber, convey, or otherwise dispose of such real and personal property as may be necessary or appropriate for its corporate purposes, and especially the whole or any portion of Belleau Wood, Department of Aisne, France, to the extent that it may be or become consistent with, or permitted by, the laws of the French Republic; and (i) generally may do any and all lawful acts necessary or appropriate to carry out the purposes for which the corporation is created.

SEC. 4. That the Belleau Wood Memorial Association, a corporation heretofore incorporated under the laws of the District of Columbia, is authorized to transfer to the corporation created by this act all of its property, rights, and assets, and such corporation is authorized to receive all of such property, rights, and assets. Upon such transfer such association shall thereby be dissolved, and such corporation shall be liable for all the obligations of, and claims against, such association, and all of such obligations and claims may be enforced against the corporation.

SEC. 5. That the corporation shall, on or before the 1st day of December in each year, transmit to Congress a report of its proceedings and activities for the preceding calendar year, including the full and complete statement of its receipts and expenditures. Such reports shall not be printed as public documents.

SEC. 6. That the right to alter, amend, or repeal this act at any time is hereby expressly reserved.

Mr. GARRETT of Tennessee. Will the gentleman yield for a question?

Mr. VOLSTEAD. Certainly.

Mr. GARRETT of Tennessee. Does this measure create a corporation of the District of Columbia?

Mr. VOLSTEAD. Of the United States.

Mr. GARRETT of Tennessee. I know the purpose of it, and I am in entire sympathy with it, but we have not been accustomed for long years to create any corporation without giving it a situs, and that situs has been the District of Columbia.

Mr. STAFFORD. If I may be permitted, there is existing to-day a Belleau Wood Memorial Association, incorporated

under the laws of the District of Columbia, and it is the purpose to transfer all their rights to these persons named, who are to be incorporated by Congress. They are persons, I assume, who have a local habitat and that in the District of Columbia.

Mr. GARRETT of Tennessee. Some reside in the District and some in other States.

Mr. STAFFORD. I thought they were mostly residents of the District of Columbia. My acquaintance with them is not as broad as that of the gentleman from Tennessee, but I thought a larger number of names were mostly local people.

Mr. GARRETT of Tennessee. The matter of the place in which the individuals reside is not of importance. This is a corporation, and it ought to have a situs. I wonder if the gentleman would object to inserting the words "of the District of Columbia"?

Mr. VOLSTEAD. That is what we are trying to avoid. By making it a national corporation the difficulty of securing title to the land in France will not be so great as if it were a District of Columbia corporation.

Mr. GARRETT of Tennessee. The effect of it is merely to give it a citizenship and give it a situs. If you create a national corporation you provide that it may sue and be sued, and where is it going to be sued?

Mr. VOLSTEAD. Wherever an officer can be found. The incorporators want a national incorporation to get this Belleau Wood, some 150 acres of land.

Mr. GARRETT of Tennessee. I know the purpose of it, and I am in entire sympathy with the purpose. I am also interested in preserving the proper legal situation in regard to this as in all other corporations. The Red Cross is a corporation.

Mr. VOLSTEAD. It could be sued wherever the officers of the company could be found. There is no probability that this concern will ever be sued. The incorporators have secured the money necessary to purchase this property, and it is important to get this through at once because their option to purchase will expire in a few days.

Mr. GARRETT of Tennessee. I understand; the matter has been discussed with me. The purposes are very worthy. Let us have no misunderstanding about that.

Mr. VOLSTEAD. If it were a commercial organization I could see readily that it might be very important to have a situs, but this is an organization that in all probability will never be sued. If it is sued there will be no difficulty in finding its officers.

Mr. GARRETT of Tennessee. They are incorporated now under the general laws of the District, not by special charter of Congress. All that they desire, and that I am willing to give, is the recognition that comes by reason of Congress passing a special charter, but the situs ought to be fixed.

Mr. VOLSTEAD. I can not see what difference it makes. If the gentleman could suggest any real reason why it should make any difference, with a corporation like this, which can not carry on commerce in any sense, it might appeal to me. I do not suppose it will ever be sued. Whenever there is any occasion to sue it the officers can be found and suit instituted.

Mr. WOOD of Indiana. This is not a commercial organization at all?

Mr. VOLSTEAD. No; not all. It is simply to purchase certain land and erect a few monuments in France.

Mr. GARRETT of Tennessee. I understand the purpose of it and what they are going to do, and I am in sympathy with it, but what I am talking about is the local situation of a corporation which is created. For whatever purpose it may be created, it ought to have a situs.

Mr. SUMNERS of Texas. Mr. Speaker, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. SUMNERS of Texas. I am not entirely clear as to the question in the mind of the gentleman from Tennessee.

Mr. GARRETT of Tennessee. If the gentleman from Texas will permit me, I do not suppose that this organization will ever be sued or have occasion to sue, but that is not the only question. It is bad enough to create corporations by special act of Congress——

Mr. SUMNERS of Texas. That is an objection that I have always had..

Mr. GARRETT of Tennessee. But if they are created by special act they ought to be given a local habitation as well as a name. This ought to be given a local residence, and that ought to be in the District of Columbia. Would not the gentleman be willing to insert the words "a corporation of the District of Columbia"?

Mr. VOLSTEAD. That would change the character of this corporation. It is a District of Columbia corporation now. There is difficulty in securing title to the land sought unless we have a national corporation. The object of this is to give this corporation a national character, so that it will be able to get the French Government to consent to have this land turned over to this corporation.

Mr. HICKS. Is not that the real object—to have a Federal charter so that the French Government will know that they are dealing with a national proposition and not a local organization?

Mr. SUMNERS of Texas. That is not the matter referred to in the inquiry of the gentleman from Tennessee. The gentleman from Tennessee simply said by way of inquiry that there ought to be some provision in this act which would locate this corporation at a definite place, a habitat, so that it could be sued there, and so forth. My impression is—and I am embarrassed to discuss a matter without having investigated with respect to it—that in so far as suits against the corporation are concerned, the venue would depend upon the law of the State where the cause of action might arise. This being a Federal corporation, the Federal courts would not, it would seem, acquire jurisdiction under the diversity of citizenship provision. About that, however, I have no certainty of knowledge, because I have never had occasion to investigate.

Mr. MOORE of Virginia. The other day, as I recall, we had under consideration the Federal incorporation of the Texas & Pacific Railway Co. That was a general Federal incorporation, and the original act did not undertake to fix a situs.

Mr. SUMNERS of Texas. Was that regarded as of advantage to the corporation?

Mr. MOORE of Virginia. I am only stating that this bill is not without precedent.

Mr. GARRETT of Tennessee. Mr. Speaker, I think if the gentleman will look at it that he will find that even the Red Cross, which was incorporated by special act of Congress, is an incorporation of the District of Columbia.

Mr. VOLSTEAD. Oh, no; I think not. A number of charters have been granted that are not of the District of Columbia. I have had occasion to examine them at different times, and the Supreme Court has practically held in the case involving the Gettysburg convention that we can create a corporation of this kind. I can not see that there is any real objection to it.

Mr. TILSON. Did we not a few days ago attempt to give a local habitat to the Texas & Pacific Railroad Co., fixing Dallas as its situs, and yet it has a Federal incorporation?

Mr. SUMNERS of Texas. I suggest to the gentleman that as originally drawn that was complained of as being to the advantage of the corporation. I understood the inquiry of the gentleman from Tennessee to be with reference to the position of those who might desire to institute suits against this corporation.

Mr. MOORE of Virginia. The Texas & Pacific Railway Co. has been sued a thousand times.

Mr. TILSON. That has a national charter, and at the same time without vitiating the national character of it we gave it a local habitation.

Mr. MILLER. What is the objection to putting in this proposed charter a statement that the office or place of business of the corporation shall be Washington, D. C.?

Mr. VOLSTEAD. Its principal place of business is going to be in France. It has got to buy the land, erect the necessary monuments, and make necessary provisions for caring for them.

Mr. MILLER. Is not the gentleman of opinion that it is necessary in order to organize this corporation to give it a local situs, that it should have some office and principal place of business?

Mr. VOLSTEAD. No.

Mr. BLANTON. Would the gentleman object to offering an amendment fixing its home office in Washington, D. C.? That would cover the point.

Mr. VOLSTEAD. Why, there is no objection except the danger of not passing it at this session. Otherwise I would be willing to amend it.

Mr. BLANTON. Fix the office at Washington, D. C., and there would be no objection.

Mr. SUMNERS of Texas. I am not sure that if we fix the home office here the board of control would not be compelled to hold, possibly, an annual meeting in the District of Columbia, when it might be more convenient to hold meetings somewhere else. Now, I am not certain, but that would be the only possible objection. In this particular matter it does not seem to be important, because the only contemplated activity is to purchase some property in France, erect monuments, and maintain the property as a memorial.

Mr. EVANS. Will the gentleman yield?

Mr. VOLSTEAD. I will.

Mr. EVANS. What is the objection to providing in your bill that the corporation as created will have a right to conduct business in France and in the District of Columbia?

Mr. VOLSTEAD. There is not any except this. To-morrow is Saturday, and to-morrow is the last day for anything to be done. What we will do on Sunday morning will simply be to try to close up some little matters here and there. They have got a very large number of bills on the calendar in the Senate, and I do not want to send the bill back if I can help it, and besides I can not see any reason why this should not pass in this form. The corporation can be sued in any place in the United States where its officers can be found. I ask for a vote.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. VOLSTEAD, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. WOOD of Indiana. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from Indiana rise?

Mr. WOOD of Indiana. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. WOOD of Indiana. Mr. Speaker, in a few hours the Sixty-seventh Congress will be numbered with the things of the past. What it has accomplished and what it has failed to accomplish will soon be a part of the annals of our country. If its success is to be measured by the economic and business conditions prevailing throughout the United States, its place in history will be an enviable one.

When this Congress was ushered in the country was perilously near a financial panic. Business generally was in a most deplorable state, and the number of idle men and women in the United States at that time was greater than ever before in the history of the country. Samuel Gompers, head of the American Federation of Labor, stated that on April 1, 1921, there were 5,000.000 men and women going up and down the highways and byways of the country seeking something to do. United States Government bonds were selling around 83, and all other corporate securities were at a very low ebb. What a change for the better has transpired in the last 24 months!

INDUSTRY AND TRANSPORTATION.

The unprecedented peace-time activity of our American industries would indicate that we are not only supplying the needs of our own people but the needs of outside nations. Never in the history of American industry has there been such productive activity. At first blush this may seem an exaggeration, but an analysis of the situation fully warrants it. Basic industries, such as iron and steel, textiles, leather, and automobiles, are running capacity. Running capacity to-day means from 50 per cent to 100 per cent greater output than running capacity in pre-war times, because during the war practically every basic industry increased its capacity at least 50 per cent and some doubled their capacity.

If an industry increased its capacity 50 per cent during the war and is now running 80 per cent of its total capacity, it is producing 120 per cent more than it did in pre-war days. This certainly is clear. Therefore, when statistics show that the United States Steel Corporation is operating 90 per cent of its capacity that indicates a production far in excess of anything ever attempted in pre-war times. Despite this tremendous productivity, the United States Steel Corporation's unfilled orders increased 165,000 tons during the month of January. Its unfilled orders to-day are approximately 7,000,000 tons, the largest recorded since the war period. This is in the face of the fact that its production during the month of January was 3,717,000 tons, which was the largest output of the steel industry since March, 1920. Pig-iron production for the month of January was 3,230,000 tons, the largest since October, 1920, and within a few thousand tons of its high record made in September, 1918.

The charge that we are losing our foreign trade is not substantiated by the reports of the Department of Commerce. In quantity and valuation we are leading by far above the level of any pre-war year. The European war began August 1, 1914, one month after the close of the fiscal year. The exports of the United States for the fiscal year ending June 30, 1914, were $2,364,579,148, while our exports for the 12 months ending December 31, 1922, were in value $3,831,932,194. So that, from point of valuation, our exports for the calendar year ending last December exceeded the exports of the last year of world peace by over $1,400,000,000. We are to-day the greatest exporting nation in the world.

Reports from the textile industry show that it is working at capacity. A statement just issued by the Census Bureau shows that the number of textile spindles in this country in January was the greatest ever recorded, and that the purchase of cotton by the domestic textile industry, notwithstanding the high price, has never before been equaled. Simultaneously with this, and largely because of it, comes the news from business and commercial organizations that the South is experiencing the greatest prosperity it has enjoyed since the Civil War, which means the greatest prosperity it ever experienced.

The total motor-vehicle production for 1922 was 65 per cent greater than in 1921. It was the greatest year in the history of the automotive industry. Every State in the Union showed an increase in the number of cars purchased and operated. The agricultural sections were the biggest buyers, the States in those sections showing gains over 1921 of from 7 per cent to 15 per cent in the number of motor vehicles registered. Data issued by the American Automobile Association is authority for the statement that the American farmer to-day owns and operates more motor cars than are owned and operated by all the world outside the United States.

It is estimated that there are 12,800,000 automobiles and automobile trucks in the world. Of this number, 84 per cent, or 10,752,000, are owned in the United States, there being but 2,048,000 owned and operated in all the world outside of the United States.

Nineteen hundred and twenty-two was the largest building year in the history of the United States, but according to the estimates of all authorities upon building construction the year 1923 will far eclipse it. Already contracts are made for construction during the present year in the sum of $5,116,-600,000. The Federal Reserve Board announced that reports from country-wide sources show the purchase of farm implements during the months of December and January were more than double those of the corresponding months a year ago. The reports of the War Finance Corporation demonstrate in a striking way the fact that the American farmer has weathered the worst storm of economic adversity that has been experienced by this generation. Up to January 1, 41 per cent of the amount of money originally loaned to farmers by the War Finance Corporation had been repaid, and since January 1 the repayments have exceeded in ratio those of any month of 1922.

The transportation world is in better shape than it was a year ago. The reports made by the Interstate Commerce Commission for the calendar year 1922 show that class I railroads as a whole, on an average, earned 4.14 per cent on their tentative valuation, as compared with only 3.28 per cent for the calendar year 1921. For December, 1922, an even better showing was made, as they earned at the rate of 5.15 per cent on their valuation during that month. This was accomplished in two ways: First, by a tremendous reduction in operating expense; and, second, by a tremendous increase in the amount of traffic handled. Car loadings during 1922 were the greatest in the history of American railroads. This had to be because during the year 1922 the Interstate Commerce Commission made reductions of rates in thousands of specific cases and in a score or more of general classifications.

More cars were loaded with agricultural products during the year 1922 than ever before in the history of the railroads. Loading of grain and grain products alone increased approximately 7 per cent over 1921, the heaviest year previously on record. Live-stock railroad shipments, according to last reports, increased approximately 9 per cent over 1921. Forest products surpassed those of 1921 to a very marked degree. Merchandise and miscellaneous freight, including manufactured products, were considerably higher than in the previous 12 months, viz, 14 per cent above 1921, and approximately 6 per cent over 1920, hitherto the banner year. The total cars loaded with revenue freight during 1922 aggregated 43,713,519, compared with 39,-347,158 in 1921 and 45,131,188 cars in 1920.

The number of freight cars ordered for use in the United States in 1922 amounts to 180,154, the largest total since 1912, contrasting with only 23,446 and 84,207 cars in the years 1921 and 1920, respectively. Locomotives ordered for domestic service in 1922 totaled 2,600, the largest figure since 1918, as compared with only 239 in 1921 and 1,998 locomotives in 1920. Altogether it is estimated the railroads contracted for the expenditure of more than $471,224,000 during the year for freight and passenger cars and locomotives combined. The average cost of freight cars is now said to be about $1,700, passenger cars about $22,000, and locomotives about $50,000.

It should be borne in mind that this tremendous revival in industry took place during a calendar year that was marked by serious strikes affecting basic industries—the coal strike, the railroad strike, and the textile strike. Had not these industrial disturbances occurred to retard the rapid return of prosperity in industry, our conditions to-day would be better than they are, splendid though they may be.

EMPLOYMENT AND WAGES.

However, it needs no statistics to prove the return of industrial activity and prosperity. That is proved most conclusively by the lack of idle men. Unemployment to-day, except among that chronic class of shirkers who do not wish to work, is unknown in America. Where two years ago the classified ad columns of newspapers were filled with advertisements of men seeking employment, to-day they are filled with advertisements of employers seeking men and offering wages nothing short of fabulous. Newspapers within the city of Washington within the past 30 days have carried advertisements for men in building trades offering $16.50 a day. A report just issued on February 21 by the United States Department of Labor is authority for the statement that the number of men employed in the automobile industry increased 42 per cent last year and the amount of wages paid out by that industry increased 135 per cent. The number of men employed in the iron and steel industry increased 40 per cent last year, and the amount of wages paid increased 103 per cent. The number of men employed in the leather industry increased over 11 per cent, and the amount of wages paid increased 16 per cent.

The number of people employed in the manufacture of woolen textiles increased nearly 9 per cent and the amount of wages paid increased over 16 per cent. It is known of all men that the coal strike was settled by the operators agreeing to sign a scale that maintained the scale established during the war times and the textile strike was settled by the mill owners agreeing to forego a reduction of wages from the war-time level. Samuel Gompers, president of the American Federation of Labor, is quoted in the public press as stating that on the whole wages are only 5 per cent less than they were at their peak in 1920. Our Democratic friends are fond of asking us to compare conditions now with those of peaceful days under the beneficent reign of Woodrow Wilson. A comprehensive survey of the industrial field, embracing 23 basic industries, employing over 600,000 workers, shows that the average weekly wage paid in these industries in December, 1922, was 101 per cent higher than the wages paid in the same industries in July, 1914. It shows, furthermore, that employment in identical plants at the beginning of this year was 27 per cent greater than in July, 1914.

FINANCE.

The report of the Comptroller of the Currency, issued only a few days ago, shows the aggregate resources of the national banks of this country on December 29, 1922, to have been $2,031,215,000 greater than on December 31, 1921. The resources of the national banks in each of the 12 Federal reserve districts show a consistent and substantial increase during the year. The total deposits of the banks showed an increase of $2,345,379,000 for the year. On the other hand, the banks showed a reduction during the year in their obligations of $446,727,000.

Postal savings showed an increase for the calendar year of $569,408,000.

The savings banks and the savings departments of national banks and trust companies showed an increase during the calendar year of $1,500,000,000 in deposits and an increase of 2,300,000 in the number of depositors.

The total amount of life-insurance purchases for 1922 was in excess of $9,000,000,000, which represented an increase of $600,000,000, or 7 per cent, over the amount purchased in 1921.

United States Government bonds have been maintained practically at par throughout the year, for the first time since they were issued. Their desirability as a permanent investment and their value as a marketable security have been increased and stabilized by the arrival at a settlement of the terms upon which Great Britain is to pay her debt, which constitutes 35 per cent of the total amount of foreign loans made by this Government during the World War. Had this settlement not been concluded, it was inevitable that new bonds equal in amount to the loan made to Great Britain would have to be issued, which would have undoubtedly depreciated the value of all United States securities.

BUSINESS CONDITIONS.

The retail business of the country experienced a return to prosperous basis during the calendar year. Reports by such organizations as the large mail-order houses, which serve a wide and varied trade, show a tremendous increase in sales during the year 1922 as compared with 1921. Montgomery, Ward & Co., of Chicago, one of the largest of such concerns in the United States, showed their gross sales in 1922 to have been 21.6 per cent greater than in 1921. Without exception the holiday business transacted by retail merchants throughout the country last December was the greatest since 1919. Commercial agencies report during the month of January the number of business failures were 600 less than in January, 1922, while the aggregate liabilities of these failures dropped from $73,000,000 to $49,000,000, a decrease of 20 per cent in the number of failures and of 45 per cent in the amount of aggregate liabilities. And yet our Democratic friends insisted that a Republican administration and a Republican tariff would ruin the country.

All commercial agencies regard the post office receipts as being one of the most accurate indexes of business conditions. Post office receipts ever since last September have consistently shown a tremendous increase, month by month, over the corresponding months of previous years. For the month of January, just reported, the postal receipts of 50 typical cities which are selected by the Post Office Department showed an increase of 18.99 per cent over January, 1922. No cities showed a decrease. Twelve cities showed an increase greater than 20 per cent. It is the highest increase for the month of January since 1913. It clearly indicates that as a result of putting more business in government we are also putting more business on its feet and putting more prosperity in all business.

AGRICULTURAL CONDITIONS.

The farmer is getting on his feet. This is evidenced by the fact that he is paying off his debts—debts held by private banking institutions, debts held by national banks, and debts held by such governmental agencies as the War Finance Corporation. It is proved by the fact that he is coming into the market for agricultural implements. It is proved by the fact that he was the largest single purchaser of automobiles last year.

According to the Department of Commerce, the average price of all kinds of farm products, including live stock and grain, was 17 per cent higher in 1922 than in 1921.

According to the United States Department of Agriculture's crop report of January 27, 1923, the prices of all kinds of live stock averaged higher in 1922 than in 1921. Lambs averaged $3.54 per hundred pounds more in 1922 than the average for 1921. Despite the fact the receipts of hogs were over 3,000,000 head, or over 7 per cent more in 1922 than in 1921, the average price of hogs for 1922 was 71 cents per hundred pounds higher than in 1921. The receipts of cattle at public stockyards during 1922 were 3,430,000 head greater than in 1921, an increase of over 17 per cent. It was the largest receipt of cattle since 1919 and has been exceeded only once in eight years. Despite this tremendous supply of cattle, the net advance for cattle for the year amounted to $1.51 per hundred pounds.

The foregoing detail of facts establishes beyond all possible dispute that our country to-day is in a splendid business and financial condition. The future is full of promise for still greater business activity.

The American people have faith in the policies of the Republican Party, and the best evidence of that faith is to be found in the contrast between conditions existing now and conditions existing at the time this administration began.

It is assuring to the public to know that these policies will be continued through the next Congress and so long as the Republican Party is in power, and with a continuance of the Republican Party in power the business prosperity of our country will continue to advance.

EMBASSY BUILDING, PARIS, FRANCE.

Mr. FAIRCHILD. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. FAIRCHILD. To call from the Speaker's table the bill S. 4594, an identical bill having been previously reported by the Committee on Foreign Affairs and now on the calendar, and move to suspend the rules——

The SPEAKER pro tempore. The Chair does not recognize the gentleman to suspend the rules at this time.

Mr. FAIRCHILD. I call up the bill then.

The SPEAKER pro tempore. The gentleman from New York calls up the bill S. 4594 and asks unanimous consent for its present consideration. Is there objection?

Mr. BLANTON. Let us know what it is.

The SPEAKER pro tempore. The Clerk will report the bill by title.

The Clerk read as follows:

An act (S. 4594) to authorize the Secretary of State to acquire in Paris a site, with an erected building thereon, at a cost not to exceed $300,000 for the use of the diplomatic and consular establishments of the United States.

Mr. BLANTON. Mr. Speaker, I object.

FILLED MILK BILL.

Mr. HAUGEN. Mr. Speaker, I call from the Speaker's table the bill H. R. 8086 with Senate amendments and ask to agree to the Senate amendments.

The SPEAKER pro tempore. The gentleman from Iowa calls up the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 8086) to prohibit the shipment of filled milk in interstate or foreign commerce.

The Senate amendments were read.

Mr. STAFFORD. Will the gentleman from Iowa explain the Senate amendments?

Mr. HAUGEN. The Senate amendment strikes from section 1 the words "and such is an adulterated and deleterious article of food and when marketed as such constitutes a fraud upon the public" and inserts in section 2 practically the same language as this stricken out of section 1. It also adds to section 1 this language:

This definition shall not include any distinctive prepared food compound not readily taken for milk or cream or for evaporated or condensed or powdered milk, or cream; provided that such compound (1) is prepared and designed for feeding infants and young children and customarily used on the order of physicians; (2) it is packed in individual cans containing not more than 16½ ounces and bearing a label in bold type that the contents is to be used only for said purpose; (3) is shipped in interstate and foreign commerce exclusively to physicians, to wholesale and retail druggists, orphan asylums, child welfare associations, hospitals, and similar institutions and generally disposed of by them.

The amendments are satisfactory in every respect so far as I know.

Mr. Speaker, I regret that the bill (H. R. 13810) for the improvement of the Mississippi River and control of its floods should come up for passage under the suspension of the rules which bars amendments to it. I had thought, as most of the Members had, that it would be brought in by a special rule which would have permitted amendments to it.

I had intended to offer an amendment to the bill proposing to extend the jurisdiction of the Mississippi River Commission, as concerns the construction of levees, to St. Paul, Minn., which is proposed in my bill, H. R. 8908.

I am advised that under present legislation the Mississippi River Commission had, up to January, 1921, completed south of Rock Island 2 districts and had 20 others under construction. The largest district has 218 miles of levees, which reclaims 3,500 square miles of farming land.

My bill provides that Federal aid be extended so as to include all of that area of the Mississippi River that lies between the city of Rock Island, Ill., and the city of St. Paul, Minn. The Federal Government has made a complete and detailed survey of the islands and the river above Rock Island. The main stream of the river averages about 1,000 feet in width, while the distance from mainland to mainland averages, over the same area, about 2 miles. This area between the mainlands consists mostly of islands interwoven by a network of sloughs and ponds that are constantly draining and diverting from the main channels water that ought to be confined to this channel in order to be of benefit to navigation during low stages of water. It goes without saying that these islands and sloughs are of no benefit to navigation, that they are a constant source of worry and annoyance, and if left to themselves may entirely impede navigation. These islands have been estimated to be between 700 and 1,500 square miles in area. Under present conditions not one acre can be depended upon to produce a crop because of flood water, which destroys everything in the nature of a crop. In Crawford County one area that is ready for organization into a reclamation district and awaiting the passage of this bill contains 12,000 acres of the most fertile soil in the world and is capable of raising cereals and tobacco. It is claimed that it can be made to produce from $300 to over $700 worth of tobacco per acre each year. It is claimed that every acre can be made abundantly productive by the simple process of shutting off flood waters therefrom—by removing the shifting sands from the river bed and depositing it around the island tracts, thus shutting off flood waters therefrom.

The Federal Government has passed laws for the reclamation of arid lands and, as I have stated, all islands and for the deepening of the channel south of Rock Island, with most excellent results.

In its plans of deepening the channels by dikes it has taken into partnership the owners of the lands benefited by the operation, each contributing toward the construction. Practically in every case south of Rock Island the owners of islands contributed toward the building of dikes in liberal sums, besides the landowners paid for the clearing of the lands for tilling where necessary and for the pumping plants. It is now suggested in my bill that the same plan be continued in the improvements of the river above Rock Island. It has proven itself a tremendous success from the standpoint of deepening the channel and making it permanent and at the same time reclaiming large tracts of otherwise waste agricultural land.

Much interest has been manifested in agriculture. We now more than ever realize that upon the tiller of the soil depends the stability and greatness of our Nation—in fact the progress, prosperity, and happiness of our people. In view of the prevailing high transportation rates and the importance of agriculture, naturally we are interested in water transportation and increasing our food supplies. If so, the proposed legislation having for its object the improvement of one of the greatest, if not the greatest, of our navigable streams, to thus furnish transportation at a greatly reduced rate to the producers of the great Northwest and the other to increase production, naturally seems worthy of friendly consideration at this time.

The question was taken, and the amendments were agreed to.

Mr. BOX. Mr. Speaker, I ask leave to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to is here printed in full as follows:

Mr. BOX. Mr. Speaker, H. J. Res. 171, reported by the gentleman from Illinois [Mr. SHAW] for the House Committee on Immigration and Naturalization, is remarkable in several respects. It is remarkable in having been reported by the gentleman from Illinois [Mr. SHAW], who is not the chairman of the committee, and opposed by Hon. ALBERT JOHNSON, the chairman of the committee. The gentleman from Illinois [Mr. SHAW] makes the report recommending the passage of the measure. Four other members of the committee appear to be supporting it. The committee is composed of fifteen members, but five members can be, and sometimes are, a majority of a quorum of the committee. Be that as it may, the gentleman from Illinois [Mr. SHAW], reports this resolution for the committee, urging its passage, and seven other members of the committee, including the chairman, joined in the minority views opposing it, which I had the honor to present. In order to advise the House and the readers of the CONGRESSIONAL RECORD of some of my own objections to this resolution, I shall restate them here in almost exactly the same language in which they were stated in that portion of the minority views prepared by me.

This resolution is designed to hide the wrong its proponents want it to do. The only purpose hidden in its indefinite phraseology is to import 30,000 to 40,000 Chinese coolies to the United States Territory of Hawaii (hearings, pp. 238, 395, 396, 440) to work as peons and serfs in the fields and mills of the sugar manufacturing corporations and in the abject service of some other associated interests of the Territory. These interests dominate the islands industrially and politically and have so dominated them since before their annexation. Not one person in ten among the inhabitants of the islands is Caucasian. Americans or other white men will not go there and the few who have gone there to work have usually gotten away as quickly as possible. (Hearings, pp. 222–223 (top), 416, 432–433, 546.)

Climatic and industrial conditions in Hawaii are such that the sugar planters and manufacturers and other smaller, kindred interests have no hope of inducing any but miserable coolies, who can be held in semibondage, to endure them. Even the blacks from America or Africa can not or will not endure the life there. (Hearings, pp. 225, 539.)

The sugar interests of Hawaii are centralized in about 45 strong corporations (hearings, pp. 296–297), whose industrial and political power has been the directing force in Hawaii for many years, and whose interests have prompted most of its important policies and now promote this proposition. The prevalence of the financial interests of that dominating group must be recognized by all who deal with Hawaiian problems. Several important developments have attended or resulted from the activities and powers of this group. These and related interests have been enormously benefited rather than injured by the relations of the Hawaiian Islands with us and their coming under our laws.

Agriculture and trade: The production of sugar was greatly increased during this reign owing to the importation of laborers from abroad and to the hope of reciprocity with the United States. * * * (Alexander's History of the Hawaiian People, p. 297.)

Progress of the country to 1890: The development of the resources of the islands under the stimulus of reciprocity with the United States surpassed all expectation. The production of the principal staples of the country—sugar and rice—increased to eight times what it was before the treaty. (Alexander, pp. 311–312.)

The acreage of sugar cane in 1909 was 186,230 and the number of farms growing sugar cane was 1,028, compared with 184 in 1899. The production of cane in 1909 was 4,240,000 tons, compared with 2,239,000 tons in 1899. The value of the sugar crop was $26,306,000, compared with $18,763,000 in 1899. The production and value of sugar since 1909 has been, then, as follows: 1910, 518,127 shore tons; 1911, 566,821 short tons; 1912, 595,258 short tons; 1913, 543,220 short tons; and this was valued at about $37,000,000. The yield of cane sugar per acre is the greatest in the world. About half the acreage planted to cane is irrigated. The development of the sugar industry on a large scale dates from 1875, when the reciprocity treaty, passed in that year, established practically free trade between the islands and the United States. (Int. Ency., vol. 11, p. 2.)

Exclusive of sugar, the value of the manufactures increased from $4,099,000 in 1899 to $11,454,000 in 1909, or 179.4 per cent. Nearly all the sugar manufactured is exported to the United States. (Int. Ency., vol. 11, p. 4.)

The cane-sugar production in Hawaii for seven years, beginning in 1913 and ending in 1920, has ranged from 1,056,023,998 pounds to 1,280,863,812 pounds. The production of Louisiana during the same period has ranged from 241,998,400 pounds to 621,799,360 pounds. During the same period the production of beet sugar in continental United States has ranged from 1,385,112,000 pounds to 1,748,440,000 pounds.

It will be seen that Hawaii produces from two to four times as much cane sugar as Louisiana and from two-thirds to three-fourths as much sugar as the beet growers of the United States.

The financial and commercial interests of this and kindred groups were active in promoting the annexation of these islands to the United States. Alexander's History of the Hawaiian People, published by order of the board of education of the Hawaiian Islands, furnishes much valuable and interesting information on this subject. On page 277 of this work Alexander says:

Proposed annexation: The history of this reign would be incomplete without a reference to the agitation in favor of annexation to the United States that went on during the years 1853 and 1854. (Although mostly confined to the foreign residents, it was so great as to lead in 1854 to a general belief of the certainty of the event.)

Petitions in favor of it were presented to the King in August, 1853, and in January, 1854. There were at that time strong commercial interests in its favor, and the prospect of it stimulated speculation and led to new enterprises. The missionaries, however, of both denominations were generally opposed to the project, believing that its effects would be disastrous to the native race. But it was favored by the King, as a refuge from impending dangers. He was tired of demands made upon him by foreign powers, and of threats by filibusters from abroad and by conspirators at home to overturn the government.

On page 317 Alexander further says:

Proposed treaty of annexation: On the 19th of January, 1893, the steamer *Claudine* was dispatched to San Francisco with five commissioners, fully empowered to negotiate a treaty of union with the United States. They arrived in Washington February 3 and were favorably received by President Harrison. A treaty of annexation was then drawn up by the Secretary of State and the Hawaiian commissioners, which was signed on the 14th. It was laid before the Senate for its concurrence on the 17th, but was not acted on before the end of the session. One of the first acts of President Cleveland after his inauguration was to withdraw the treaty from the consideration of the United States Senate on the 9th of March.

The establishment of the Republic: As all hope of early annexation was now abandoned by the provisional government, steps were immediately taken to establish a republican form of government. A constitutional convention was called to meet May 30, 1894, for the purpose of framing a constitution for the Republic of Hawaii. The convention finished its labors on the 3d of July, and on the following day the Republic of Hawaii was proclaimed, with Sanford B. Dole as its first President. The new constitution was in the main modeled after that of the United States. (Alexander, pp. 318–319.)

The well-known activity of the sugar and other interests to carry Chinese coolie, Japanese, and other Asiatic coolie labor to Hawaii and the conditions which such policy was creating in the islands, its variance with the fixed policy of the United States, and the menace which the continuance of it would be to continental United States after annexation, probably caused the insertion of the following, which appears in the annexation resolution:

> There shall be no further immigration of Chinese into the Hawaiian Islands, except upon such conditions as are now or may hereafter be allowed by the laws of the United States; and no Chinese, by reason of anything herein contained, shall be allowed to enter the United States from the Hawaiian Islands.

Hawaii promptly accepted the provision of that resolution and became a Territory of the United States under it.

The necessity for such a stipulation as a fundamental condition of the union brought about so largely by the commercial and sugar-producing interests of Hawaii, representing the dominating power there, though American people were then, as they are now, comparatively few in numbers, is made plain by a review of the history of the importation of oriental coolie labor to Hawaii in order to get cheap labor for the sugar fields and factories. These and related interests have always demanded the importation of great numbers of laborers from Asia and other countries.

Immigration.—A bureau of immigration was formed, and in April, 1865, Doctor Hildebrand was sent on a mission to China, India, and the Malay Archipelago to make arrangements for the importation of laborers, to procure valuable plants and birds, and to collect information, especially in regard to leprosy. In July he sent 500 laborers from China under contract with the Government, who were followed by many others. (Alexander, p. 290.)

In 1884 the consent of the Japanese Government was obtained for the emigration of its subjects to these islands under certain conditions. The first company of 956 Japanese sent under this agreement arrived in the *City of Tokio* February 9, 1885. In six years over 10,000 immigrated to these islands, of whom 1,260 returned to Japan. During 1878 and the next six years about 2,000 Polynesians, mainly from the Gilbert Islands, were introduced into this country. These laborers, as a general rule, did not give satisfaction, and nearly all of them have since been returned to their homes. (Alexander, p. 304.)

After 1876 the Chinese came in great numbers until their immigration was checked in 1886. (Alexander, p. 304.)

As early as 1850 Chinese coolies were imported to work for a period of five years at $3 per month in addition to food, clothing, and passage money, the latter being about $50 per man. Boys were brought to work for $2 per month for five years, with passage money of $50 per man and support. "It was estimated by those who employed them that their wages and support would amount to a trifle under $7 per month." (Hearings, p. 433.)

The proponents of this measure urge that it is necessary as a precaution against the Japanese menace. The very interests which now clamor for the introduction of more Chinese coolies as a defense against the Japanese induced the Japanese to go to Hawaii, as is shown by the above quotation from page 304 of Alexander's History of the Hawaiian People. Many times have these interests resorted to Japan as the source of a cheap labor supply. (Hearings, pp. 536–537.)

From 1885 to 1899 great numbers of Japanese were being carried to Hawaii, their immigration being aided by appropriations from the public treasury of Hawaii. (Hearings, p. 542.)

As late as 1908 the Governor of Hawaii wrote to the United States Secretary of the Interior, under date of January 24, 1908, expressing apprehension that the measure then pending might—

> materially limit Japanese immigration; in which case, if the immigration bill does not pass, we shall be cut off at both ends, a result that may prove very disastrous. * * * We do not wish to lose the Japanese until we can get Europeans or Americans. (Letter Secretary Hughes, hearings, p. 929.)

The people of Hawaii, like the people of California, have heretofore been alarmed by the menace of Chinese immigration.

ALARM OF KING KAMEHAMEHA IV.

King Kamehameha IV, who was probably much nearer the end of the rule of his people and much nearer the extinction of his race than he then realized, nevertheless foresaw, though with some vagueness, the dire ending of his line and his people. In his speech to the legislature of 1855 he said:

> It is to be regretted that the Chinese coolie immigrants to whom has been given a trial of sufficient length for testing their fitness to supply our want of labor and population, have not realized the hopes of those who have incurred the expense of their introduction. They are not so kind and tractable as it was anticipated they would be, and they seem to have no affinities, attractions, or tendency to blend with this or any other race. In view of this failure it becomes a question of some moment whether a class of persons more nearly assimilated with the Hawaiian race could not be introduced to settle on our soil.

A report compiled from the official archives by the librarian of the Territory of Hawaii follows the statement of King Kamehameha, with the following:

> The wishes of the Government and the employers were not identical in this respect. The Government wanted settlers who would infuse new blood in a declining race; the employers, workers alone, who would be an immediate source of profit. (Hearings, p. 534.)

After 1876 the Chinese came in such great numbers that their immigration had to be checked in 1886. (Alexander, p. 304.) (See also testimony of Mr. Chilton, hearings, p. 764.)

WOULD CURE ONE SORE WITH ANOTHER.

After engaging for some 60 years in the business of bringing tens of thousands of Japanese coolie laborers to Hawaii, and having spent large sums of Territorial moneys thereon, these importers of labor, whose policy conflicted with that of the old King, who was trying to save his race, become much alarmed over the result of their own work in importing labor, and as a method of righting the great wrong and guarding against the menace caused thereby, now propose to bring tens of thousands of Chinese coolies. Our own country, Canada, Australia, and many other countries recognize the peril involved in the measures which this resolution proposes. Our country so clearly recognized it that a special stipulation against it was inserted in the act of union which has been quoted above. However, it is now desired that we forget or violate that provision.

One result produced by this fatal policy and other cooperating causes has been the destruction of the Hawaiian race,

which has proceeded far toward its consummation. Smallpox was carried from China to Hawaii in 1881 by tramp steamers. The use of intoxicants, social diseases, the new life carried to Hawaii from Europe and America, and the continued importation of coolies and kindred laborers from many countries, chiefly Asiatic, has proceeded far in the destruction of the once gentle, happy, and harmless Hawaiian race.

The first census of the kingdom was taken in 1832 and gave 130,313 as the total population of the islands at that time. Another census was taken in 1836 and gave only 108,000 as the total. By all counts the decrease of the native population at that period was alarming. (Alexander, p. 214.)

No census of the kingdom was taken between 1836 and 1850, but it is certain that the decrease in population was rapid. (Alexander p. 260.)

In 1910 the strictly Hawaiian population numbered 26,041. In 1920 it was 23,723. (Hearing, p. 219.)

These conditions indicate that the practical extinction of the race is only a matter of time. (Int. Ency., vol. 11, p. 6.)

Of a population of 255,912 in 1920 only 19,708 were Caucasians, of whom only 15,323 were American-born Americans, which is only about 6 per cent of the population. The importation of Asiatic laborers has given the islands a Chinese population of 23,507, considerably more than the Caucasian population, and a Japanese population numbering 109,274, nearly six times the Caucasian population.

Chinese intermarry and intermix with other coolie and mongrel races freely in Hawaii. Doubtless many of their women will accompany them. In any event, these thirty to forty thousand Chinese coolies will have many thousands of children born to them in Hawaii under the flag and under the Constitution of the United States. Every one of these children will be entitled to remain in Hawaii and to come to the United States. No surer method of introducing great numbers of Chinese coolie laborers into the continental United States can be found than that contemplated by this resolution.

We have enough Chinese now in the United States who have proved that they were born here to make our statistics show that every Chinese woman in the country has been the mother of at least 1,000 children—every one of them. (Hon. Albert Johnson, chairman, hearings, p. 242.)

If Chinese cunning, serving the intense Chinese desire to get into the United States, will enable it to make such proofs as that mentioned by Chairman Johnson, when the supposed births have taken place in America, can anybody set a limit to the number of Chinese who 25 years hence will be able to prove that they were born in Hawaii if we bring Chinese there in blocks of thirty to forty thousand now? The menace which this feature of this measure would present would require its rejection.

These coolies are to be held in a state of servitude in violation of the spirit if not the letter of the Constitution of the United States. Hon. John L. Cable, a member of this committee, prepared a statement of the legal difficulties involved in this resolution which he presented to the committee. For lack of space, only a small portion of that statement is copied herein, but the attention of Members is respectfully called to the whole statement, as shown on pages 788 to 790 of the hearings. I quote from Mr. Cable's statement:

Peonage laws: Peonage is a crime in the United States and has been defined thus:

"Peonage is a status or condition of compulsory service based upon the indebtedness of the peon to the master. The basic fact is indebtedness." (Clyatt *v.* United States, 197 U. S. 207.)

"Peonage is a crime in the United States." Section 269, the Criminal Code (35 Stat. 1142), provides:

"Whoever holds, arrests, or returns, or causes to be held, arrested, or returned, or in any manner aids in the arrest or return of any person to a condition of peonage shall be fined not more than $5,000 or imprisoned not more than five years, or both."

In section 3944, United States Compiled Statutes, 1918, the law provides that peonage is abolished.

"The holding of any person to service or labor under the system known as peonage is abolished and forever prohibited in the Territory of New Mexico, or in any other Territory or State of the United States; and all acts, laws, and resolutions, orders, regulations of the Territory of New Mexico, or any other Territory or State which have heretofore established, maintained, or enforced, or by virtue of which any attempt shall hereafter be made to establish, maintain, or enforce, directly or indirectly, the voluntary or involuntary service of labor of any persons as peons in liquidation of any debt or obligation, or otherwise, be, and the same is hereby, declared null and void."

It will be noted that the crime of peonage is complete when a person holds any person to a condition of peonage; that is, according to the above definition, in a condition of compulsory service based on indebtedness.

Under the resolution, as drawn, a Chinese not being able to pay his passage would be indebted to some one when he took work in the islands of Hawaii. He would be compelled to continue work of an agricultural nature, because if he left the plantation and went into the city he could be arrested and deported. Debt, therefore, holds him to work.

So far as those 10 provisions are concerned, in my opinion, this resolution would suspend them so far as Hawaii is concerned. Of course, Congress would have the lawful right to do that, but so far as constitutional provisions being violated is concerned, the resolution could not do that. (Hearings, pp. 789–790.)

The passage of the resolution would enable the sugar interests of Hawaii, who were active in procuring the annexation of that Territory to the United States in order to get their sugar admitted duty free, to have a very unfair advantage over American sugar producers. Neither the cane growers of Louisiana and the South nor the sugar-beet growers and manufacturers of the West could compete with the producers of Hawaii, whose climate and soil give them a great advantage to begin with. If they are furnished a limitless supply of coolie labor, what will become of American producers, whose labor must live like human beings?

The resolution violates a cardinal stipulation of the act of union between Hawaii and the United States. That union was unquestionably in large measure produced by the very interests which clamor for the adoption of this resolution. American statesmen foresaw the danger of such measures as this and stipulated against it in the clause quoted above. Hawaiian sugar producers and commercial interests had already greatly profited by favorable trade treaties with the United States. They have grown more wealthy and powerful since the act of union. They agreed to the stipulation mentioned. They should not now ask for it to be broken down.

The passage of this resolution might be construed by Japan as authorizing her to send more of her own laborers to Hawaii. In his letter to Chairman Johnson about this bill, Secretary Hughes significantly quotes from the correspondence between the United States and Japan, which, in part at least, embodies "the gentlemen's agreement." This correspondence seems to authorize either Government, Japan or the United States, "if it should be at any time represented that additional Japanese laborers can find profitable employment there," to take such action "that the immigration to follow be limited to the requirements as may be thus ascertained." Japan's letter, which followed, recites that the step removing prohibition against immigration to Hawaii "should only be taken after ascertaining through an American official source the labor conditions prevailing in the islands and the need thereof."

The two paragraphs of Secretary Hughes's letter, from which these excerpts are taken, the first quoting from the American letter and the second from the Japanese letter, forming a part of the basis of the gentlemen's agreement, read as follows:

It is noted with pleasure that the present intention of your excellency's Government is to prohibit altogether emigration to Hawaii. As to the future, if it should be at any time represented that additional Japanese laborers can find profitable employment there, it is suggested that the Japanese Government will cooperate with the Government of the United States in ascertaining the true conditions and that the emigration to follow be limited to the requirements as may be thus ascertained, similar inquiry and action to be taken from time to time thereafter at the instance of either Government.

The Japanese minister for foreign affairs replied that he was "gratified to find in the ambassador's statement, with reference to the course to be adopted in the event of future renewal of Japanese emigration to Hawaii, substantial accord with the opinion entertained by the Imperial Government, which is that if at any time hereafter it should appear desirable to depart from the present policy of prohibititon, that step should only be taken after ascertaining through an American official source the labor conditions prevailing in the islands and the need thereof." (Hearings, p. 929.)

To pass this resolution means:

To violate the act of union between Hawaii and the United States and abandon the material safeguard which it carries.

To make Hawaii still more oriental and less American in character. It is too oriental now.

It would menace the United States by creating a bountiful source of Chinese immigration into continental United States and the opportunity for much fraud besides.

It would introduce into the United States a form of peonage and servitude which should not be tolerated anywhere under the flag.

If Hawaiian sugar growers and manufacturers are entitled to a liberal supply of the cheapest and most degraded labor on earth, with what face will supporters of this resolution deny a like supply of cheap labor to the great numbers of Americans who want it?

It is unfair to American beet and cane producers to enable a few favored competitors in Hawaii to enjoy such an advantage over them.

The passage of this resolution or any action taken under it by the President, the Department of Labor, either or all, would seem to be such an official ascertainment of a labor shortage in Hawaii as would justify Japan in sending her laborers there under the terms of the correspondence above quoted. Therefore, those who propose this measure not only propose to admit Chinese coolies, but they probably open the way for the admission of Japanese laborers.

For these and many kindred reasons this resolution should never have been reported by the committee and should not be passed by the House.

EMPLOYMENT FOR FEDERAL PRISONERS.

Mr. VOLSTEAD. Mr. Speaker, I call up from the Speaker's table the House Concurrent Resolution 53 and move to agree to the Senate amendment.

The SPEAKER pro tempore. The Clerk will report the concurrent resolution.

The Clerk read as follows:

Concurrent Resolution 53, to create a joint committee of the Senate and House of Representatives to determine what employment can be provided for Federal prisoners, and for other purposes.

The Senate amendment was read.

The question was taken, and the amendment was agreed to.

TO EXTEND THE FLOOD CONTROL ACT OF 1917.

Mr. RODENBERG. Mr. Speaker, I move to suspend the rules and pass the following bill which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Illinois moves to suspend the rules and pass the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 13810) to continue the improvement of the Mississippi River and for the control of its floods.

Be it enacted, etc., That for controlling the floods of the Mississippi River and continuing its improvement from the Head of the Passes to the mouth of the Ohio River, in accordance with the provisions of section 1 of "An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes," approved March 1, 1917, the Secretary of War is hereby empowered, authorized, and directed to carry on continuously, by hired labor or otherwise, the plans of the Mississippi River Commission heretofore or hereafter adopted, to be paid for as appropriations may from time to time be made by law; and a sum not to exceed $10,000,000 annually is hereby authorized to be appropriated for that purpose, for a period of six years beginning July 1, 1924.

Any funds which may hereafter be appropriated under authority of this act, and which may be allotted to works of flood control, may be expended upon any part of the Mississippi River between the Head of the Passes and Rock Island, Ill., and upon the tributaries and outlets of said river in so far as they may be affected by the flood waters of said river.

The SPEAKER pro tempore. Is a second demanded?

Mr. STAFFORD. I demand a second.

Mr. RODENBERG. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. RODENBERG] is recognized for 20 minutes, and the gentleman from Wisconsin [Mr. STAFFORD] is recognized for 20 minutes.

Mr. RODENBERG. Mr. Speaker, I desire to make a brief statement in regard to this bill. The purpose of the bill is indicated by the title. It is to extend the life of the flood control act, passed in 1917. Under the terms of the flood control act an initial appropriation of $45,000,000 was voted by Congress for the twofold purpose of controlling the flood waters of the Mississippi and the continued improvement of the river. Of this sum a little over $39,000,000 has been expended, and the balance is appropriated in the Army appropriation bill that has passed Congress.

This work has been done under the direct supervision of the Mississippi River Commission, which is composed of seven members, three of whom are Army engineers, two civilian engineers, one a member of the Coast and Geodetic Survey, and one a prominent citizen. I believe it is conceded that the commission as at present constituted is the ablest and most efficient that we have ever had.

It is, of course, a matter of great importance that this bill should be passed during this session, in order to prevent the possibility of a situation arising where the commission might find itself without funds to carry on this great national work.

The author of the flood control act [Mr. HUMPHREYS of Mississippi] is a member of the committee that reported this bill. He has made a more exhaustive study of the question of flood control than any other man in this body, and no one is so well qualified to give expert advice as he. He lives in the section of the country that is vitally affected by this legislation, and he knows in every detail the work that has been done and that must be done; and in order to conserve the time of the House, I will ask the distinguished gentleman from Mississippi to explain the details of the bill.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I think before I begin to discuss this bill I ought to make some public apology to the majority leader for the nuisance I have made of myself for the past four weeks in endeavoring to get this bill up for consideration. I feel very deeply obligated to him for his patience and for the manifestation by him of that quality of leadership which finally put him in command here in the House of Representatives. [Applause.]

And another thing before I say anything about the bill: A word about the distinguished gentleman from Illinois [Mr. RODENBERG], the chairman of this Committee on Flood Control. He and I entered the House of Representatives together 20 years ago. It is a source of very great pleasure to me to have served with him during those years. That service has been rather more intimate than is usual between Members of the House.

We served on the Committee on Rivers and Harbors together, and then we have been on this committee ever since its creation. It has been a source of very great personal regret to me, and I know it is to the House, that in a very few days he will retire from this House. [Applause.] But when he goes he will carry with him, I know, the very best wishes of all the Members who have served with him. [Applause.]

In a few minutes when the glad tidings are carried over the wires down to the people of the Mississippi Valley that the Rodenberg bill has passed the House I am authorized, I know, to speak for all the people behind the levees, and I do speak their voice when I say that when they hear these glad tidings they will join me in saying, "Billy, God bless you." [Applause.] I really think that that is the only explanation that this bill needs. [Laughter.]

The first paragraph of the bill simply continues the authorization as it now exists under the law for making appropriations for the Mississippi River both for navigation and for flood control.

The second paragraph changes the existing law in this: Originally the Mississippi River Commission had jurisdiction of the Mississippi River from the mouth of the Ohio to the Head of the Passes for all purposes, navigation and flood control. Subsequently it was provided by Congress that money allotted for purposes of levee construction might be spent up as high as Cape Girardeau, and subsequently up to Rock Island. This paragraph provides that now the money allotted for flood control, whether for levees or otherwise, can be expended above the mouth of the Ohio as well as below the mouth.

Mr. RHODES. How far above?

Mr. HUMPHREYS of Mississippi. Up to Rock Island, Ill. Then Congress decided that the jurisdiction of the Mississippi River Commission should be extended to the tributaries of the river below the mouth of the Ohio in so far as they were affected by the flood waters of the river. This bill proposes to extend the jurisdiction of the commission to the tributaries north of the Ohio. It is agreed all around that it was a slip of the pen whereby the Senate put in the amendment when it extended the jurisdiction of the river to the tributaries, in so far as they were affected by the flood waters of the river, that somewhere they put in the words "below the mouth of the Ohio." That was explained before the House when the conference report was considered. It was intended to apply above as well as below. So this bill simply corrects that original error.

Now, Mr. Speaker, if there are any questions to be asked, I will be glad to answer.

Mr. STAFFORD rose.

Mr. HUMPHREYS of Mississippi. Are you going to oppose this bill?

Mr. STAFFORD. Yes.

Mr. HUMPHREYS of Mississippi. Then I will reserve the rest of my time.

The SPEAKER pro tempore. The gentleman from Mississippi reserves the balance of his time. The gentleman from Wisconsin [Mr. STAFFORD] is recognized.

Mr. STAFFORD. Mr. Speaker, the Mississippi River Commission has not only control over floods, over revetments and levees, but it has absolute control over the appropriation for navigation of the Mississippi River from the mouth of the Ohio down to the Passes of the Mississippi. The total authorization made for that work was $45,000,000. The balance of the $45,000,000 was appropriated in the War Department appropriation bill for the ensuing year, amounting to $5,990,000. That virtually completes the work of the flood control so far as the Mississippi River is concerned from Cairo to the mouth.

Last year—and here is the point to which I wish to direct the attention of the House—in the river and harbor authorization act the jurisdiction of the Mississippi River Commission was extended from the mouth of the Ohio to Cairo and its tributaries, so far as the purpose of levy protection and banks protection is concerned. I think it is a wrong principle—

and if I am in error I wish to be corrected by the gentleman who is the author of the flood-control legislation—to take out of the jurisdiction of the Chief of Engineers the authority over the improvement of the Mississippi River from Cairo to Rock Island.

Mr. HUMPHREYS of Mississippi. That is not done by this bill.

Mr. STAFFORD. Let me ask the gentleman this question: Under the present law the commission has full authority over the expenditure of the funds for making the Mississippi River navigable from the mouth of the Ohio to the Passes. Now you seek to give that same authority to the Mississippi River Commission from the mouth of the Ohio up to Rock Island.

Mr. HUMPHREYS of Mississippi. The gentleman is mistaken.

Mr. STAFFORD. The language that the gentleman incorporates is not guarded like the authorization that was carried in the river and harbor organization act. Let me call attention to what that authority was. That authority conferring jurisdiction on the Mississippi River Commission was extended only so far as levee protection and bank protection was concerned.

Mr. HUMPHREYS of Mississippi. What is the language of this bill?

Mr. STAFFORD. It extends the jurisdiction above the outlet of the Ohio to Rock Island.

In the War Department appropriation act a lump sum for the Mississippi River Commission is voted without any limitation as to its use. You attempt to give them complete control without the jurisdiction of the Corps of Engineers as to the improvement of navigation of the Mississippi from the mouth of the Ohio up to Rock Island. You do not say that the authority will be conferred only so far as levy protection and bank protection is concerned, but you give them full control.

I know something about levee protection—perhaps I would not if I had not been placed on the War Department subcommittee two years ago, but I have given it some consideration. Under that act we required the local municipalities, so far as levee protection is concerned, to contribute one part to the Government's two parts. Why did we not require the 50–50 contribution? As Gen. Harry Taylor, Assistant Chief of Engineers, stated before the subcommittee, it was due to the fact that the local communities from Cairo down had previously spent so much money that it virtually amounted to 50–50 contributions. So there was placed in the law the provision that the local community from Cairo down should contribute one part to the Government's two parts. As to that part of the river from Cairo to Rock Island, the local communities have not to any great extent expended funds for the protection of the banks. As far as they are concerned, they should be required to contribute 50–50.

I am opposed to this idea of extending the jurisdiction of levee protection to the tributaries of the Mississippi. It is necessary so far as the Mississippi is concerned, but when you give them authority over the tributaries of the river you assume State activities. Why, in Wisconsin to-day we have before the legislature a proposal to appropriate many thousands of dollars for that purpose. Wisconsin is not seeking any contribution from the National Government. Why should we prefer certain local communities on purely State streams from the burden of providing for their own flood protection? These are the two main objections I have to the bill in its present form. First, by the phraseology you are conferring on the Mississippi River Commission the same authority that it has south of Cairo north of Cairo as far as Rock Island.

Mr. HUMPHREYS of Mississippi. The hearings disclose what we are satisfied would be the fact that when we passed the flood control bill that the local interests have contributed more than 50–50 under the flood control act.

Mr. STAFFORD. I do not dispute that position south of Cairo, but I do not north of Cairo.

Mr. HUMPHREYS of Mississippi. I said that since the passage of the flood control bill in 1917.

Mr. STAFFORD. Mr. Speaker, I yield to the gentleman from Mississippi two minutes of my time.

Mr. HUMPHREYS of Mississippi. The bill requires two-thirds of the money put into levee construction to be paid by the Federal Government, and the local interests shall provide the right of way, pay all damages, and take care of the maintenance.

Experience shows that that is more than 50 per cent. This bill does not extend any jurisdiction except above the mouth of the Ohio. Below the jurisdiction is already extended up the tributaries, but a very short distance, it is true, "in so far as they are affected by the flood waters of the river." In this last flood that meant 2,000,000 acres which were overflowed by back water. The other major objection is that we give the commission jurisdiction over navigation above the mouth of the Ohio when the bill expressly limits jurisdiction above the Ohio to "purposes of flood control." The commission has jurisdiction for both purposes—navigation and flood control—south of the Ohio River and has had ever since its creation in 1879. North of the Ohio River moneys allotted for the purposes of flood control only can be spent, but not for navigation. The gentlemen can not fairly read that into the bill.

Mr. STAFFORD. Mr. Speaker, in the voting of money for the Mississippi River Commission for purposes under the act of 1917, we vote the money not only for flood control but for navigation purposes. It is one lump-sum appropriation that is granted the commission to expend, and you can not construe this second section without construing it that you are going to take away from the Chief of Engineers authority over the improvement of the Mississippi, so far as navigation is concerned, between the mouth of the Ohio and Rock Island.

Let us get back to the question as to whether we should vote $10,000,000 for six years, as this bill proposes. The hearings before the Flood Control Committee disclose that $24,000,000 is the maximum amount that will be used to improve not only the Mississippi River, which is virtually completed, as far as protection of the bank is concerned, but all of the tributaries south of Cairo. You are proposing to vote $60,000,000 authorization, it is true, when even the hearings do not justify any such amount. All the hearings show is that they merely wish to have $3,000,000 each year for revetment and levee work. Why this policy of voting more money—$60,000,000—when only $24,000,000 can be utilized for levee protection revetment work?

Mr. MONDELL. But this is simply an authorization.

Mr. STAFFORD. Oh, I have heard that old song many times before.

Mr. MONDELL. The gentleman is a true economist, and in the main I agree with him.

Mr. STAFFORD. I doubt that "in the main." The gentleman sometimes does.

Mr. MONDELL. I do not want the gentleman to make a speech here that will be quoted in the future in justification of larger appropriations for this purpose than ought to be made, and if the gentleman is not careful he will lay the foundation for extravagant appropriations.

Mr. STAFFORD. Oh, no one will ever charge me in any Congress with having laid any foundations for an extravagant program. To continue, when I was fighting the proposal of $1,000,000 for a fine embassy building at the exposition grounds at Rio de Janeiro, and called attention to the fact that $500,000 was adequate because of the rate of exchange of 1 to 3 in favor of our country, the gentleman from Wyoming [Mr. MONDELL] said, "You know this is merely an authorization," but the very next day or two the Committee on Appropriations came in with an appropriation for $1,000,000, and we find to-day that they have a surplus of $140,000 that they do not know what to do with. If we had made it $500,000, as I proposed, we would have had a pretty nice building there, and would not have made more money available than for an embassy in London or Paris.

Mr. HUSTED. The building at Rio cost only $300,000.

Mr. STAFFORD. But the rate of exchange was 1 to 3 in favor of our country. When the matter was under consideration in the House I called attention to the fact that the rate of exchange, so far as Brazil was concerned, was 1 to 3. When you visit Rio you will see this very fine, palatial residence, which has been provided for embassy purposes under the guise of an exposition building to celebrate the centennial of Brazil at an exposition that lasted only nine weeks.

Mr. BLANTON. I understand there is a very fine banquet hall in the building.

Mr. STAFFORD. Oh, of course, we would have to have a banquet hall to have it complete. Perhaps the gentleman from Texas would not approve of it, but in these South American and European countries there must be some place provided to pass out the viands and the liquid refreshments. I know the gentleman from Texas disapproves of that very much, but coming from liberal Milwaukee and still living in the past, I approve of it. Mr. Speaker, this is altogether too great an authorization, and in all seriousness my objection is that we are going to take away authority from the Chief of Engineers over the improvement of the Mississippi and delegate it to the Mississippi River Commission. All that it is estimated will be the cost for the maintenance of the Mississippi north of Cairo is $500,000 a year. Why are you going to allow these men to go ahead and develop that without any control whatever?

Mr. CHALMERS. Is the Chief of Engineers a member of this commission?

Mr. STAFFORD. No. The Chief of Engineers states that all they do, so far as supervising the work of this commission is concerned, is to merely pass on the plans. They have no control whatsoever over their work. Gentlemen, you are launching into an extravagant program. There is no reason whatsoever for our voting this authorization at this time. They have more money at present than they can use. Five million nine hundred and ninety thousand dollars is what was voted this year, and that is money that is available not only this year but until it is used. You are going wild in the closing days of the Congress in the authorization of propositions which should not be allowed. You should leave this to a succeeding Congress for more thorough consideration. I reserve the remainder of my time.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I congratulate the gentleman from Wisconsin [Mr. STAFFORD] upon the accuracy and precision with which he misstated the facts. [Laughter and applause.] The commission south of the Ohio has jurisdiction for both purposes. The money, of course, we appropriate in a lump sum, so the bill provides that when the commission charged with authority of allotting so much for navigation, allotting so much for flood control, when it makes its allotment for flood control that money may be spent north of the Ohio River, and only below the mouth of the Ohio can it be expended for navigation.

Mr. STAFFORD. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. I have only two minutes.

Mr. STAFFORD. I will yield the gentleman one minute. How much time have I? I have already yielded the gentleman two minutes.

Mr. HUMPHREYS of Mississippi. Well——

Mr. STAFFORD. Much more than I shall occupy. How much time have I remaining?

The SPEAKER pro tempore. The gentleman has three minutes remaining.

Mr. STAFFORD. I yield him a minute. Does the gentleman dispute the fact that the hearings before his committee show that all that will be necessary for the completion of flood control south of Cairo will be $24,000,000?

Mr. HUMPHREYS of Mississippi. Yes; $24,000,000 will be required for the tributaries if they ever decided to embark on that. That is all there is to that. This bill has nothing to do with that; that was a law passed long ago and this bill has no reference to it. It has nothing to do with this bill. It will take $24,000,000 to finish the levees on the main river and that will be done before the tributaries are ever going to be treated. The tributaries are absolutely an academic question, but it is already the law. The only provision in this bill is that north of the Ohio the law shall be the same as it is south of the Ohio, and everybody agreed that is what we thought we did last summer, but we found by some mischance we put in the words, so far as flood control is concerned, "south to the mouth of the Ohio River," and it was agreed to upon the floor. The gentleman from Illinois [Mr. GRAHAM] offered a protest against the conference report on the appropriation bill and it was agreed that it was a mistake.

Mr. HAUGEN. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. I will.

Mr. HAUGEN. Does the gentleman object to extending it to St. Paul or Minneapolis?

Mr. HUMPHREYS of Mississippi. I do not know. We have not had hearings on that subject. I do not know what is up there to be protected and I do not know what it would cost.

Mr. HAUGEN. I take it that the improvements of the river are just as important north.

Mr. HUMPHREYS of Mississippi. We never have had any hearings on it. How is the time?

The SPEAKER pro tempore. The gentleman from Illinois [Mr. RODENBERG] has 10 minutes.

Mr. RODENBERG. I yield that time to the gentleman from Mississippi to dispose of as he sees fit.

Mr. HUMPHREYS of Mississippi. I yield three minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. UNDERHILL. Mr. Speaker, there has been published recently in some newspapers correspondence and criticism on what is usually designated as congressional junkets. I want to set myself down, by virtue of my experience on the Mississippi River, as absolutely in favor of so-called junkets, providing they result in information of such great value as I acquired during a short visit to Tennessee, Mississippi, Arkansas, and Louisiana at the height of the flood last spring. If I had my way I would provide in the Constitution that when a man is elected to Congress, in the interval from the 4th of March until the 1st of December, when he would take his seat in Washington, he should be obliged to visit other sections of the country than his own section in order that he might become familiar with the necessities of the Nation or the United States of America as a whole. [Applause.] Then we would not have the narrow, restricted view of our country that so many Members of the House have. I believe that out of the 18 States that do not empty their waste waters into the Mississippi or its tributaries that the New England States, consisting of 6, furnishes one-third of the number. Not one drop of waste water from Massachusetts or New England drains into the Mississippi River, but Louisiana, Mississippi, and Arkansas do take care of waste waters from 30 States of this Union. They have no control over the source of this river, and if you had witnessed, as I did, and had seen the splendid endeavor and wonderful work which the people down there have accomplished by their own efforts you would gladly grant them this aid. It was a stupendous battle against the gigantic forces of the devastating river demon, and I am convinced that the amount asked for in this bill is not only just but that we should give them even more if needed. They can not prevent these floods or do anything more than control the river when it is at the height of its flood. This is a national proposition, not a proposition which affects the Mississippi Valley alone, not a proposition which affects solely these States devastated by the floods, but it concerns the Nation in its economic aspects.

When one sees thousands of acres and mile after mile of fertile, productive land and great tracts of timberland under water, houses and cabins swept away, live stock and poultry by the thousands drowned, the lives and property of hundreds of our people menaced, threatened, and destroyed annually; when one takes land trips by water and water trips by land, running 23 miles on a railroad train almost out of sight of land on tracks from 8 to 18 inches under the flood waters, and sees great river steamers tied up in the midst of the tops of trees, the trunks of which extended 20 to 25 feet under water, then, Mr. Speaker, one realizes something of the necessity of Government action and aid.

The Government has spent millions of dollars for irrigation and reclamation. It is perfectly proper that it should spend something for protection.

These people have spent $125,000,000 and over which they have raised through their own efforts. They are now asking for a comprehensive program which will eliminate the danger and economic losses shared in part by all of the people of the country. Such industry, effort, and sacrifices as displayed by those residing in the territory affected by these floods are appreciated by the people of Massachusetts. It might well serve as an example to the citizens who are asking help without effort to help themselves. I think I speak for Massachusetts when I pledge her sympathy and assistance. I trust the bill may pass unanimously.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. UNDERHILL. I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. HUSTED].

The SPEAKER pro tempore. The gentleman from New York is recognized for two minutes.

Mr. HUSTED. Mr. Speaker, this bill provides for a continuation of the existing authorization for the improvement of the Mississippi River. I happened to be a member of the Committee on Flood Control which reported the existing authorization. I supported it because I believed it to be a good business proposition from the Government standpoint to have this work done continuously instead of being done piecemeal, as had been the former plan. I realized that the Government was committed to this proposition; that it had been committed to it for 75 years; that we were going to spend the money anyhow, and as long as we were going to spend the money, I thought it should be spent in a businesslike way. I was for that authorization, and I am for this authorization more than I was for the original authorization, because every prediction made by the gentleman from Mississippi [Mr. HUMPHREYS] and by the people directly interested in this legislation has been completely fulfilled. They told me that if the money was provided and these levees were constructed and revetted in accordance with the Government standards, they would endure, and they have endured. Not one or one section of one has ever given way. [Applause.]

Mr. HUMPHREYS of Mississippi. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from Mississippi has five minutes.

Mr. HUMPHREYS of Mississippi. I yield to the gentleman from Arkansas [Mr. DRIVER].

The SPEAKER pro tempore. The gentleman from Arkansas is recognized for three minutes.

Mr. DRIVER. Mr. Speaker and gentlemen of the House, in the time allotted to me to discuss the levee proposition involved in this bill I feel that I can only indorse the statements made by those who have advocated the bill. No longer can there be any question as to the efficiency of the plan of the Mississippi River Commission, for it is a matter well known to all that not one inch of levee built according to the grade and section established by the Mississippi River Commission has ever been breached by the flood waters of the Mississippi River. I think that that proves the value of the plan of the commission, the agency created to deal with the problems of the Mississippi River.

Now, it seems that the gentlemen opposing this bill are disposed to question the value of the work in the upper reaches. In that territory there are 2,000,000 acres of land in Missouri, Illinois, and Iowa recently brought within the limits of levee districts. There the people have expended thousands of dollars in building up levees in front of their lands—22 in number. There are 9 on the east side and 13 on the west side of the river. These people are just as much entitled to assistance in their efforts to control these flood waters as the other citizens of this great valley of ours. They are no more responsible for the enormous flow of surface waters from the tributaries of the Mississippi than the people of Louisiana, Arkansas, and Mississippi are responsible for the fact that this great drainage channel, carrying the surface waters of 41 per cent of this entire Nation of ours, must be controlled in order that these alluvial valley lands shall be protected. We are doing a wonderful work down there, and the people in the upper regions will do the same work if you afford them the same encouragement.

Mr. Speaker, the levee problem of the Mississippi River, like Topsy, "just growed up" and addressed itself to the first inhabitant. The permanent settlement of the Mississippi Valley had its beginning with the location of the city of New Orleans in the year 1717, where the engineer in locating its site provided for the construction of a levee to protect the city from inundation. At that time the territory to the north, stretching over 2,000 miles of the Mississippi and its 10,000 miles of tributaries, was an unbroken forest and prairie, retaining the surface water in the humus, lakes, and pools, with the possibility of floods only in years of unusual rainfall combined with melting snows. The extension of settlement followed a course north from the base at New Orleans and in time spread to the south from the upper valleys. It is a matter of common knowledge that all rivers flow through a ridge plane, the plane being the creation of flood waters forced out of banks, leaving the heavier deposits of sediment at the place where the current is first retarded, and which drops the surface of the country to the interior by an easy slope. It was on these high banks that the first settlements were made in the Mississippi Valley. The pioneers of the upper reaches likewise located on the banks of the streams in order to obtain the benefit of transportation. As accessions were made to the ranks of the dwellers in the lower valley development extended to the lower planes, and as others joined the people of the north developments were pushed back from the banks into the interior, resulting in the felling of the forests, the lessening of the humus, and the drainage of the lakes and pools, and thus was commenced the precipitation of the flood waters upon the Mississippi Valley, and with the raising of the flood heights the water found its way through the natural depressions and bayous upon the farm lands of the lower planes, necessitating the construction of barriers across the outlets; and with the increase in the progress on the upper rivers further increases in the flood waters were made below, requiring the construction of a continuous levee line.

The levee work at this period of time was an individual task, each landowner constructing and maintaining the levee along his river front. As the recurring floods passed down the Mississippi, finding outlets through the depressions, the river bed commenced to fill, creating bars and on which timber found lodgment, presenting a serious problem to navigation. The jurisdiction then, as now, was confided to the War Department, which yielded to the complaints and selected two engineers, Bernard and Totten, in the year 1822, who made a thorough investigation of the conditions of the river with respect to navigation, and as a means for its improvement and control recommended the construction of dikes through which the current could be diminished above, and thus economize the expanse of water and constrain the current to act with greater velocity. They also reported "that while the waters of the river are over its banks, the operation of the current being in proportion to its elevation and consequent increase of velocity, the changes produced in the bed of the river were great, sudden, and numerous." Notwithstanding this report, no official action was had, no provision made for levee construction, and no authority given to revet the banks. The local landowners continued to add to the small levees in an individual way, and the river continued to pour over the low banks and through the depressions, and navigation continued in a critical condition. Bear in mind that no complaint had been or was made by the landowners, but the appeal came from those engaged in the operation of boats and barges, and evidently the appeal continued, for we find that in the year 1845 the matter was so persistently urged upon Congress that James Gadsen and James Guthrie, as a subcommittee, made further investigations and indorsed the theory for the improvement of navigation. Again the matter slumbered and the navigation of the river continued more difficult. The Secretary of War was finally prevailed upon to make further investigations, and for the purpose he appointed two eminent engineers, Colonel Humphreys and Captain Abbott, who spent several years in one of the most thorough and comprehensive studies of the river, and in an extensive report, made in the year 1861, dealt with every possible phase of the control of the river for navigation. The reservoir system was considered and rejected as in the highest degree chimerical, the cut-off system was considered and rejected, because the system would raise the surface of the river at the foot of the cut quite as much as the depression at the head, and the report adhered to and approved the theory announced by Bernard and Totten to confine the water to the channel by artificial embankments and thereby regulate the discharge.

Upon the filing of the report special committees were created by Congress for the consideration of the subject. While the investigation by Humphreys and Abbott was in progress much impetus was given to the levee construction through the act of Congress of date September 28, 1850, donating the swamp and overflowed lands along the rivers for levee and drainage purposes to the respective States in which they were located. This resulted in community action through the organization of districts, and in many instances with the power to levy taxes, and the levee system rapidly approached a continuous line from Memphis, Tenn., on the east side, and Helena, Ark., on the west to the Gulf, and along the front from Helena north on the west side much levee was constructed. But the dwellers in the upper reaches utilized the donated lands for drainage purposes exclusively and added to the drained area all of the adjoining lands, and thereby added an enormous amount of surface waters to the accustomed flow upon the lower valley, requiring increases in height and base, creating heavier burdens upon the levee builders. Before the committees of Congress could organize and proceed with an investigation war commenced, with everything subordinated to its demands, entailing absolute neglect of the levees during the time, and in fact for several years thereafter, during which time three heavy overflows occurred, causing a loss of many miles of levees through penetration, and caving banks were responsible for the loss of an equal amount. Navigation was also seriously impaired in consequence, and again conditions were presented to the Congress, resulting in the appointment of the Warren Commission, following disastrous floods in the year 1874, and on January 18, 1875—printed as House Executive Document No. 127, second session, Forty-third Congress—filed a report indorsing and approving the reports of the engineers theretofore made, and recommending the construction of dikes or levees, the organization of levee districts for the purpose of obtaining concert of action, and the carrying out of a definite action on the part of the Congress for an agency with authority to deal with the problem in an expert way, and resulted in the creation of the Mississippi River Commission in the year 1879.

In the course of the many years, while the various investigations were under way, much agitation was aroused over the proper method of providing navigation and caring for the flood waters. Many theories were advanced by engineers and laymen, and which, when boiled down, consisted of three distinct plans. First, the reservoir system, through which it was proposed to impound the flood waters by diverting the excess into specially constructed places and thereby regulate the amount of flow; second, the construction of levees, with provision for spillways at intervals, through which the excess waters could pass and spread over the valley; third, the construction of a continuous system of levees and the stabilization of the banks by revetment, and thereby confine the waters within the channel, and by increasing the velocity carry the sediment in sus-

pension and avoid the deposit which creates the barriers and shoals. By reason of the various contentions urged upon Congress, and because, as it was contended by those in dispute, that the Army engineers theretofore assigned to the investigation had reached the same conclusion in each instance that other engineers from the same environment would be influenced to accept the plan as recommended by their predecessors, demand was made for a mixed commission, and in providing the qualifications the act of creation required that at least three of the members should be selected from civil life, two of whom should be engineers, one member selected from the Coast and Geodetic Survey, and three Army engineers, who were directed to make an independent investigation of the problem, "for the purpose of taking into consideration and maturing such plans and estimates as will correct, permanently locate, and deepen the channel and protect the banks of the Mississippi River, improve and give safety and ease to the navigation thereof, prevent destructive floods, and promote and facilitate commerce, trade, and the Postal Service." Here is contained a positive declaration of a policy to protect against the recurring floods of the river, but notwithstanding such declaration the commission evidently approached the subject of levees as they would bear on the question of channel improvements. In the first report of the commission, filed on the 17th day of February, 1880, it was said:

> They are regarded as a desired, though not a necessary, adjunct in the general system of improvement submitted, and there is no doubt that the levees exert a direct action in deepening the channel and enlarging the bed of the river during those periods of flood by preventing the dispersion of the flood waters over the adjacent lowlands.

Again:

> In a restricted sense, as an auxiliary to the plan of channel improvement only, the construction and maintenance of a levee system is not demanded; but in a larger sense, as embraces not only beneficial effects upon the channel but as a protection against destructive floods, a levee system is essential; and such system controls, promotes, and facilitates commerce, trade, and the Postal Service.

In the report of the commission filed in 1881 is this statement:

> Levees judiciously erected under the system indicated by the commission would produce the maximum effect in channel improvement at a minimum of cost.

The agitation continued after the organization of the commission and before an opportunity was afforded to place in operation its plan of improvement—in fact, while the commission was engaged in experiments at two places in the work of restricting the channel—and on the 7th day of August, 1882, a select committee was appointed, consisting of eight Members of the House, with Hon. J. C. Burrows as chairman, to make an investigation of the work on the Mississippi; and after visiting and making observations on the river, examining the work of the commission, and taking testimony, a report was made to the House on the 24th day of February, 1883, to the effect that the efficacy of the plan determined upon by the Mississippi River Commission for the channel improvement of the river was not sufficiently advanced to establish a policy, and recommended that the works then engaged in at Plum Point and Lake Providence reaches be brought to a state of completion. Thus the proposition depended on the success of the experiments at the two places mentioned, known to those familiar with the lower valley to be two of the widest places in the river and where the greatest difficulty occurred to navigation. This work proved to be eminently successful, and thereupon the Mississippi River Commission adopted the policy of confining the waters to the channel through a system of levees and the revetment of the banks for the purpose of stabilization and the control of the currents and, in addition thereto, for the protection of the levees from caving banks.

The commission rejected the reservoir system as being impractical and involving an expenditure beyond the hope of realization. As an evidence of the stupendous character of a reservoir sufficient to contain waters which would lessen the flood to the capacity of the channel, it is estimated that it would require a space of 7,000 square miles to the depth of 15 feet, or an excavation of an amount of earth with which 7,000 miles of levee, 150 feet high, could be constructed. The question of impounding waters at the source—and which, in this instance, means the upper Mississippi, Missouri, and the Ohio—was not feasible, because it is the judgment of the engineers capable of speaking on the subject that all of the waters beyond St. Joseph, on the Missouri, above St. Paul, on the Mississippi, and beyond Pittsburgh, on the Ohio, if poured into the Mississippi at Cairo, the mouth of the Ohio, at extreme flood stage, it would make a difference of but little more than a foot in the flood heights. The suggestion of diverting the flood waters through a separate channel was rejected for the same reason—the element of expense involved. The Mississippi River south of Cairo discharges 1,000,000 second-feet, if within its natural boundaries; at extreme flood heights it carries 2,000,000 second-feet. Therefore a parallel channel to accommodate the flood waters would require a bed of the same depth and width as the present river, and its construction would be so staggering that no sane person would be heard to suggest such a plan. The outlet theory runs counter to every plan suggested by those who have made a particular study of the problem, including the Mississippi River Commission from the time of its organization. The improvement of the channel depends entirely upon the control of the waters within such channel. No dispute can be made of the fact that the moment the current is arrested the heavy sediment with which the water is charged immediately finds lodgment on the surface of the bed, and when the water is permitted to escape through an opening following the recession of the flood at that particular place elevations are found in the bed of the river, bars and drift accumulate, and navigation is interfered with. This is not only true but if the outlets were permitted the same arrest of the current could cause the outlets to receive the deposits of sediment, and the expense of maintaining an open way would prove prohibitive and the limited time in which the open ways could be utilized would not compensate for their construction. Therefore, even if the waters of the channel could be separated without damage to navigation, the control of such water would require the construction of a system of levees on each side, entailing against that a burden of expense which denies the possibility of such plan.

On the heels of the organization of the commission appeared in rapid succession adverse conditions which amounted to a catastrophe. Three unusually heavy floods, following in succession in the years 1882, 1883, and 1884, each of which created many breaches in the newly constructed levees, caused the erosion of many miles of bank, and tumbled into the river many miles of the levees. In each instance when the waters left the channel and turned through the crevasses bars were formed, which were added to through the subsequent breaches of the dikes until navigation was practically made impossible, and it was at this period that the commerce of the river lessened and the boats and barges commenced to disappear. It was at this period that the larger vessels, operating between Cincinnati, St. Louis, and New Orleans, were forced to cease operation and remain at the bank, in most instances an absolute loss to the owners, and the light-draft vessels, constructed to take the place of the larger boats, were able to operate for such limited periods of time that schedules were broken until no longer dependable, and the business on the river was diverted to the smaller vessels operating in local trade. The river commission, with a limited appropriation, was unable to cope with the situation, and for emergency purposes devised a system of dredge boats and made the best possible efforts under the handicap to provide emergency relief for transportation. For the first time in all of the strenuous years of their existence the dwellers of the valley became discouraged, many abandoning their homes. Millions of acres of land were forfeited to the State for the nonpayment of the small tax exactions levied against the same; especially was this true of the large acreages owned by the nonresidents and the undeveloped acreage of the local landowner. But the old citizen who cleared his farm lands along the bank of the stream, realizing the potential value of his property, would not be discouraged and held on, hoping for relief to the end. He knew that as a local proposition he was unable to combat the flood waters from 31 States, comprising 41 per cent of the area of the United States. He knew that, according to the theory of those familiar with the physics and hydraulics of the river, the full measure of his burden had not fallen upon him, but he was inspired with confidence that ultimately an appreciation of the importance of the problems confronting him would be reached by the people of the Nation and assistance would ultimately come. He held his ground. With the assurance of a sympathetic interest by the agency created to deal with his interests levee organizations were rapidly formed under the laws of the States and prepared to tackle the levee problem in a more concerted manner and in a bigger way, and within a few years after the operations of the river commission commenced the valley from Cairo to the lower reaches was completely organized and levee construction was prosecuted as never before. Depending upon the continued cooperation of the commission and attracted by the publicity given to the situation, and especially to the fertility of the soil of the valley, home seekers poured into the country by the thousands from all States of the Union. They entered the forfeited lands under the homestead laws or acquired the same by purchase

and settled there, adding their weight and influence to the work at hand, carved out homes, and established permanent abodes.

As an evidence of the activities of the local districts and the spirit of the people of the valley, their readiness to use every possible effort in supporting the commission, I point to the report of the Chief of Engineers, compiled in pursuance to section 11 of the rivers and harbors act approved March 4, 1915, wherein the Chief of Engineers, acting through the commission, was directed to investigate and report on the expenditures made by the several districts. The report of the Chief of Engineers was filed on the 1st day of February, 1916, House Document No. 654, which discloses that up to the 31st day of December, 1914, the total appropriations by the Government to the Mississippi River were $77,369,017, of which the sum of $32,342,556 was contributed to levee construction and $45,026,461 for channel improvements and revetment work. In the same time the local people had expended the sum of $107,297,286.

The advent of the home seekers and the construction of continuous lines of levee presented new problems to the people there. They acquired and occupied the undeveloped lands on the lower planes, and with barriers across the depressions and bayous through which the surface waters were accustomed to drain disposition of such waters became emergent and drainage systems were made necessary. This required the disposal of the surface waters through the back areas away from the river front and entailed a very heavy expense, averaging from $15 to $20 per acre. In addition, permanent roadways became necessary in order that the people might reach the business centers and transportation points, necessitating the organization of road districts at an additional expense of from $20 to $25 per acre. In the meanwhile it was necessary to continue more vigorously the prosecution of the levee work, the taxes for which were greatly increased until at this time the lands in the levee districts of the lower Mississippi Valley are staggering under an annual exaction of from $4 to $5 per acre for governmental and improvement purposes, which is a fair and reasonable rental value of the most highly improved lands of the country. The expense of maintaining the levees fastens upon the lands a continuing burden, and, of course, will ultimately exceed all other charges. Much has been said of the value of these fertile lands. Values, of course, vary according to the improved state of the lands and their accessibility to transportation and business centers.

The process of bringing these lands into cultivation is a very expensive one, entailing a reasonable cost of $25 per acre for clearing and the construction of the necessary houses, and because of the unusual expense incurred in developing farm lands and the necessity of paying the unusual expense imposed by the levee, drainage, and road districts most of the lands are burdened with heavy liens, in the language of a prominent Member of Congress, "having all modern improvements, including two or three mortgages." Much of the highly developed land has a value of $150 per acre, much more of it has a reasonable value of $100 per acre, but by far the greater part of the improved area is valued at $50. However, the organization of the various improvement districts and the impetus to the rapid development of these valley lands dates largely from the year 1912, when the dilemma of the valley landowner received recognition by the three national conventions held that year, all indorsing the flood problem as a national problem and pledging their respective support thereto. The real value of these indorsements is contained in the legislative act of this body to the year 1917, known as the flood control bill, which divorced the Mississippi River problems from the rivers and harbors work and gave it an individual status. It in no manner changed the status of the levee from the dual relation in which it stood from the very beginning of channel improvement work in the Mississippi River. It remained both necessary to navigation and of primary importance as a reclamation project. The War Department and the Mississippi River Commission adopted the levee system and utilized it in holding the flood waters in the channel for the purpose of improving such channel, while the local interests constructed levees for the protection of their lands against inundation by the flood waters. Naturally there should have been some reasonable apportionment of the contributions. The system theretofore had depended upon the efforts of the local people who located, constructed, and maintained the systems, while the Army engineers and afterwards the Mississippi River Commission constructed independently portions of the levee at emergency points and made contributions to the people or agencies in the most important reaches. Thereafter the Flood Control Committee entered upon an investigation of the matter and framed a bill which provided that the Government and the local districts should share equally in the burden.

Under the provisions of the bill it was arranged and made one of the conditions to an apportionment of the money for levee purposes that the levees should be constructed to the commission's grade and section and located in accordance with the recommendation of the commission's engineers; that of the moneys allotted to levee construction the local agencies should pay to the commission one-half of the amount so apportioned, and in addition thereto that the local agencies should procure and pay for all right of way and crop damage and maintain the levees. The act authorized the appropriation of $45,000,000, with provision that not exceeding $10,000,000 should be appropriated for any one year, the intention being to authorize the appropriations covering a five-year period, the maximum being the ability of the commission to economically proceed with the work. It was intended that $30,000,000 of the amount authorized should be apportioned to the levee work, with the view of completing the same and caring for bank revetment during said period of time. Following on the heels of the enactment of the flood control bill, on March 1, 1917, came the declaration of war, with its consequent disorganization, interruption of work, shortage of engineers and material, unusually high prices, and all of the difficulties incident to such conditions, which caused the appropriations to be stretched over a period of seven years instead of five, curtailing the activities of the commission and resulting in the loss of many miles of levee, due to the inability of the commission to prosecute the revetment work with dispatch and requiring the greater amount of the appropriations to be used for other than levee construction. Instead of applying $30,000,000 to levee construction, the sum of $17,705,856 has been expended, which amount includes an apportionment of $2,283,000 out of the rivers and harbors appropriation for the year 1916, and with but $2,386,000 to be applied to such work out of the appropriation carried in the bill recently passed by this body and now before the Senate for consideration. This aggregates $20,091,856.

Since the enactment of the flood control bill the jurisdiction of the Mississippi River for flood control purposes has been extended to Rock Island, Ill., embracing in the projects dealt with levees in Illinois, Missouri, and Iowa, to which has been apportioned and there will be applied out of the amount provided in the bill of this year several hundred thousand dollars in aid thereof. While the local interests under the flood-control measure, in view of the large contributions made in the past, were required to contribute one-third of the moneys to be spent in the construction of levees and the necessary amount for rights of way and maintenance, they were anxious to complete the system and guarantee protection, and notwithstanding the enormous burdens imposed through drainage and road improvements they have continued to issue bonds, collect taxes, and spend the money arising therefrom in the earnest endeavor to complete the work once and for all. Many of the districts have exhausted their power to finance themselves further and must rely upon taxation alone to meet the future demands for contributions.

I have compiled statistics as nearly as possible from all of the levee districts within the jurisdiction of the Mississippi River Commission extending from Rock Island to the Passes. If these local people had remained content to accept the conditions imposed by the flood control bill, contributing one-third of the money entering into the construction of levees, their contributions to date would have amounted to $8,852,928, with $1,198,000 to be contributed against the appropriation available July 1, 1923, but instead these districts have actually expended since the 31st day of December, 1914, when the amounts were ascertained and reported by the Secretary of War to Congress, the sum of $47,396,027, as follows:

Arkansas, with 6 districts	$10,321,758
Mississippi, with 3 districts	15,365,166
Louisiana, with 9 districts	11,589,609
Missouri, with 10 out of 19 districts	6,354,247
Tennessee, with 1 district	66,808
Illinois, with 13 out of 32 districts	2,826,890
Iowa, with 2 out of 7 districts	871,549

The amounts expended in the States of Arkansas, Mississippi, Louisiana, and Tennessee were exclusively for levee purposes, practically all of the amount expended in the State of Missouri was for levee purposes, but north of Cape Girardeau, Mo., in Iowa, and in the northern part of Illinois the amount expended was by levee and drainage districts, and some portion of the amounts reported was for drainage purposes, but my familiarity with the situation in Illinois, from Chester south to Cairo, and the information I have with respect to conditions elsewhere in that State and in Iowa, is such that I am pre-

pared to say that 75 per cent of the expenditures in Iowa were for levee purposes. Of the amount mentioned, less than $4,000,000 was spent north of Cairo within the recent extension of jurisdiction, and which, boiled down, means that not less than $43,500,000 was spent between Cairo and the Passes, which embraces 1,525 miles of levee. This amount added to the $20,091,856, the full amount appropriated and to be appropriated under the flood control bill, aggregates $67,402,548, and amounts to 70 per cent of all amounts expended on the levees during said period of time by the local people.

Further, from the beginning of channel work on the Mississippi River to the present time the sum of $139,329,698 was appropriated for all purposes from Cairo to the Passes, of which $32,342,556 was expended for levees to December 31, 1914, and added to the amount appropriated to levees under the flood control act, $20,091,856, aggregates $52,444,412, while in the same length of time the local interests expended up to December 31, 1914, $107,297,286, and from that date to the present time $43,500,000, aggregating $150,797,286, which does not include about $4,000,000 expended by the levee and drainage districts north of Cairo. The bonded indebtedness of the various levee districts amounts to the sum of $29,856,287, with certificates of indebtedness in addition thereto outstanding amounting to $2,227,138, and aggregating $32,083,425.

It is disclosed in the hearings on the present bill that the levees are 80.5 per cent complete, according to the commission's specifications of grade and section, and it is estimated that it will cost to complete the same $24,900,000, or $16,600,000 by the Government, according to the fixed apportionment, and $8,300,000 by the levee districts, in addition to the right of way and maintenance. The purpose of the Flood Control Committee in fixing the contribution of the local interests at one-half of the amount to be contributed by the Government was that the expenditure would be on the basis of 50–50, and taking into consideration the fact that navigation received the full benefit from the expenditure and that the local interests received a like benefit, and in view of the requirement on the part of the local interests that they should purchase and pay for the right of way and maintain all levees, the distribution would be a fair one. In addition to the completion of the levees south of Cairo, 63 miles of levee on the Illinois side have accepted the provisions of the act and will share in the next appropriation to the extent of $949,000, aggregating $25,854,000. In addition to bringing the levees to the commission standard of grade and section, the local districts in most instances have adopted, with the approval of the commission, the banquette system, a banquette being additional base on the land side of the levee, with a 4 to 1 slope; that is, it goes out 4 feet for every foot it drops. This banquette reenforces the levee and particularly protects against boils or seepage through the levee, and its addition is responsible for the large amount of money expended by the local districts in the past six years. The levee has a 3-foot slope on each side—that is, 3 feet of base for every foot of slope—and with an 8-foot top, according to the commission grade and section.

The amount of land embraced in the levee districts between Cairo and the Gulf is 29,790 square miles, with an acreage of 19,065,600, of which it is estimated that 27,146 square miles can be fully protected by the construction and maintenance of levees, which is an area of 17,373,440 acres, of which 3,000,000 is improved land. Seventy-eight districts are organized along the river from Rock Island south, of which 15 are major districts—that is, districts comprising a large acreage—and 63 small districts—that is, districts with a limited acreage. Of the major districts, 6 are located in Louisiana, 4 in Arkansas, 2 each in Mississippi and Missouri, and 1 in Tennessee, with 3 minor districts in Louisiana, 1 in Kentucky, 32 in Illinois, and 7 in Iowa. In the extended jurisdiction there are 15 basins on the west bank, containing 349,440 acres, and 9 basins on the east side, containing 453,120 acres, all highly developed. The expense of building levees will amount to $100,000 per mile south of Cairo and an average of $25,000 north, while the cost of revetment will amount to $150,000 per mile. Revetment work does not require all of the river banks to be revetted, but only such places along the banks as have a tendency to cave, threatening not only the contour of the banks, and thereby affecting the channel, but also for the protection of the levees located in most instances near the bank. On account of the rapidity with which the alluvial banks disappear, especially following flood waters, at which time the soil becomes saturated, and as the water drops eddies form, gradually cutting the sand at the foundation and undermining the shore line, it is very necessary that the revetment work be prosecuted with diligence just at the time the danger appears. This revetment is permanent, with but little lost throughout the years in which it has been used, and at no time has there been a loss of revetment work when funds were available to cover the danger point. Much was said in the discussion of the flood control bill, when the same was considered in the House, about the ultimate cost of revetment, those opposing the bill quoting from the estimate made by Major West, a member of the commission at the time, and applying the estimate made to the entire length of the river. Of course, the explanation was made at the time and has only been proven since that, compared with the entire length of the river, the amount of revetment work required is not appreciable. Caving banks are only found in concave bends, and if proper and immediate attention is given to the point where the current assails it, it can be remedied in a short distance and with little funds. This is proven true beyond question, that of the entire amount expended for revetment work, more than 75 per cent was used where, if funds were available, the work could be accomplished for 25 per cent of the amount necessary at the beginning of the danger. Through the want of the necessary funds to do this work, many miles of levees, built at an enormous expense, were destroyed, and this waste and extravagance is continued to-day for the same reason.

I dare say that out of the $60,000,000 expended since December 31, 1914, one-tenth, or $6,000,000, has been destroyed through the failure to revet. To those who hesitate to accept the levee theory, I will state that from the beginning of the work by the Mississippi River Commission, under its fixed standard of grade and section, not one inch has been lost through crevasses, not one particle has been washed away by the floods; every inch destroyed went into the channel of the Mississippi River.

One of the most valuable development projects inaugurated in the history of our country, one of the most valuable investments made by this Government, was in the great reclamation work through which the unproductive sand lands of the West have been made fertile and are now producing hundreds of millions of dollars' worth of agricultural products every year and furnish homes for 31,462 families. The area reclaimed is, comparatively speaking, a small one, and for that reason the expense appears very considerable. According to the last report 1921–22, House Document No. 410, it is disclosed that 4,300,000 acres is possible of reclamation, of which amount 1,675,000 acres have been furnished with a complete water supply, and about 1,100,000 additional acres have been furnished a supplemental supply. Under the provisions of the Warren Act the latter areas include any private or district projects not usually designated as Government projects. All this at a cost of $135,000,000, and $13,000,000 of which amount has been repaid. According to this figure, the 2,775,000 acres is at a cost of $48.60 per acre, and, deducting the amount paid in, leaves a present investment of $43.90 per acre. The annual interest on the fund remaining would amount to $5,185,000 per annum at 4½ per cent.

The amount invested in levee construction by the Government and local interests is $11.85 per acre, divided as follows: Government, $3.11; local, $8.74.

The landowners of the Mississippi Valley are not engineers by profession; they are farmers. Cities of importance are located upon the valley lands, where merchants, lawyers, physicians, and other business and professional activities are engaged in; they are not engineers. They have their fortunes there, the accumulations of a lifetime of endeavor, all dependent for security upon the successful prosecution of a feasible and effective control of the flood waters. They are not interested in any fine-spun theories. It is practical results they look to, and are contributing to the very maximum of their ability to obtain a solution of their difficulties. These people, with their property and their families—their all—at stake, are willing to rely upon the advice of the expert commission now engaged in this vital task. They believe that the results have fully demonstrated the correctness of the conclusions of these experts, and through the prosecution to completion of the plan determined by the commission success will be assured.

The enormous potential values involved in this vast alluvial region are such that as an investment nothing comparable exists, but the future depends upon the continued cooperation of the experts constituting the Mississippi River Commission and the favorable consideration of the Congress. [Applause.]

Mr. STAFFORD. Mr. Speaker, how much time have I?

The SPEAKER pro tempore. The gentleman has two minutes.

Mr. STAFFORD. Mr. Speaker, if this bill could be amended in the section relating to flood control, providing for the use of the funds for levee and bank protection, that would remedy one of the defects of the bill. But so far as I have heard,

no one has shown the necessity of authorizing an expenditure of $60,000,000. Originally it was provided that $45,000,000 could be used for this work south of Cairo. That work to-day is virtually completed, and now they are coming in here for $60,000,000 additional, without showing what it is for. It is nothing more than laying the foundation for a wholesale raid on the Treasury for local improvement in a large way.

Further, it takes away from Congress and from the jurisdiction of the Chief of Engineers the authority for continuing the supervision as to navigation over the Mississippi River from Cairo up to Rock Island.

You will see as the years go by that the position that I have taken is confirmed by the events. Gentlemen on the other side have not explained in any way the need of this large authorization. They ought to, in all fairness, if their contention is right. They should ask unanimous consent to amend with respect to levee protection and bank protection.

Mr. HUMPHREYS of Mississippi. The Chief of Engineers suggested this language.

Mr. WILSON. Mr. Speaker and gentlemen, relative to the objections raised by the gentleman from Wisconsin [Mr. STAFFORD] against this bill on account of the fact that it extends the jurisdiction of the Mississippi River Commission from Cairo up to Rock Island, Ill., for the purposes of "flood control," I will say that this language was placed in the bill at the instance of the Chief of Engineers and the Mississippi River Commission, and it in no way changes the law as it now stands in respect to navigation. There is no danger of a conflict and no reason why the gentleman from Wisconsin should be so frightened about the matter. This clause meets the approval of the very authorities who are to execute the law.

Also, relative to his objection about extending the jurisdiction of the Mississippi River Commission and making provision for the tributaries, you will note that the language says only so far as these tributaries are affected by the flood waters of the Mississippi River. The law is not changed in so far as the work in respect to navigation on the tributaries is concerned.

In my judgment, one of the most important features of the bill is that it makes provision for controlling the flood waters of the Mississippi River as it affects the various tributary streams. The water that fills those tributaries and inundates the adjacent lands is the very same water and presents the same problems as on the main river itself. There are in the States of Iowa, Missouri, Arkansas, Mississippi, and Louisiana some six million acres of the finest land in the world affected by back waters from the Mississippi River. And there is the same obligation on the part of the Government to protect this territory and to come to the relief of the people living there as in the sections immediately adjacent to the Mississippi.

We have been contending here for the past six years for the extension of the jurisdiction of the Mississippi River Commission to these tributary streams. The principal rivers affected on the lower stretches are the St. Francis, the White, and the Arkansas Rivers, in Arkansas; the Yazoo River, in Mississippi; the Red, the Black, and the Ouachita Rivers, in Louisiana.

Some objection has also been raised on account of the use of the word "outlets" in addition to tributaries. The word "outlets" was inserted in the bill in order to give jurisdiction and bring relief to the section affected by the Atchafalaya River. Since the enactment of the original flood control law the Atchafalaya has been termed and recognized as an outlet of the Mississippi. We have not only extended the jurisdiction of the commission to these tributaries and outlets but the present bill goes further and provides definitely that "any funds which may hereafter be appropriated under the authority of this act, and which may be allotted to works of flood control, may be expended upon any part of the Mississippi River between the Head of the Passes and Rock Island, Ill., and upon the tributaries and outlets of said river in so far as they may be affected by the flood waters of said River." In other words, the appropriations made by authority of this bill, when enacted into law, will be available for use upon the tributaries and outlets for protection against the floods of the Mississippi River in the same manner as upon that river itself, and under like conditions.

WHAT THE BILL PROVIDES.

The present bill, in effect, makes available for the improvement of the Mississippi River for the purposes of navigation and flood control $60,000,000, to be expended in a period of six years. This is in addition to $6,000,000 already appropriated for 1923. The work of channel improvement, bank revetment, and all other activities relating to navigation will be solely at the expense of the Federal Government. For levee construction and other works of flood control, the Government will contribute two-thirds and the local interests one-third.

It is estimated that the total expenditures by the Government and the local interests will be at the rate of $12,000,000 per year. It is the opinion of the Mississippi River Commission and the Chief of Engineers that this amount is as much as can be economically and profitably expended in any one year.

THE LEVEE SYSTEM.

There has recently been much discussion in respect to the value of the levee system as an adequate means of protection from the floods of the Mississippi River. After a careful study of every phase of the problem and every suggestion offered by the general discussion, it appears to be conceded that adequate levees up to commission grade and section are the only practical means for this purpose above Red River. Even advocates of outlets and spillways are in practical agreement upon this point. From Red River south there is a diversity of opinion among laymen and engineers as to whether additional means supplemental to levees should not be adopted.

No stronger argument can be offered in support of the effectiveness and value of levees than the following extract from statement of Maj. Frank M. Kerr, chief State engineer for Louisiana, before the Committee on Flood Control at the recent hearings in Washington. Referring to the great flood of 1882, Major Kerr said:

> When the waters from this flood had subsided it was found that the lines of levees in the valley had been breached in no less than 750 places, 300 of which were in the lines of levees of Louisiana alone, and said breaches aggregating over 60 miles in width and submerging over 75 per cent of the cultivatable alluvial lands of the State. * * *. The losses were incalculable and despair filled the minds of all of us; but just then new hope was inspired in the form of the first authorization by the Government to render financial aid and under Government control. This came through the recommendations of the Mississippi River Commission, which body had been created three years earlier to study and cope with the problem.

He then refers to the enactment of the flood control law in 1917 and the progress made since that date by the joint effort of the commission, the various States and levee boards concerned, and says:

> Every year thereafter the levee system under the joint care of the Government and the riparian States grew better and better. Every high water was carried to the sea between the levees with greater success and less toll, down to and including that of 1922, when in spite of its volume and duration no actual breaches occurred in the valley until reaching Louisiana, where four in number, in some seventeen hundred miles of levees in the State, unfortunately developed. These four breaches, however, aggregated less than 1.5 miles in width, overflowing directly less than 1 per cent of the cultivatable alluvial lands of the State, as compared with 75 per cent in 1882.

It may be said, in connection with this statement from the chief engineer of the State of Louisiana that only two of the breaches in the levee system referred to were of much consequence, namely, the one in Concordia Parish, opposite Natchez, Miss., and the other at Poydras, just below New Orleans. The levees where these breaches occurred are admitted to have been defective and far below the standard fixed by the commission. No break has occurred at any time or anywhere in levees up to the required Government standard.

The complaint is often made that as levee construction continues and the waters of the river held within a uniform channel, flood heights have increased in an unusual if not to a dangerous degree, and frequently we are referred to conditions as they existed in the lower stretches of the valley 50 or 75 years ago, when there were practically no levees worthy of the name and when flood heights were much lower. And it is suggested that without levees at present the same conditions would exist as in the former period. But these statements are made without full knowledge of the facts. It is true that the more adequate levee system is to some extent responsible for gradually increasing flood heights. But there are other important factors adding to this increase which make it imperative to construct levees on the lower river. The drainage and reclamation of the vast areas on the upper reaches of the Mississippi River and its tributaries precipitate the flow of water into lower sections of the stream in volumes that were unknown 50 years ago. And even in the States of Missouri, Arkansas, Mississippi, and Louisiana, where levees have been built on the front, vast drainage projects have been inaugurated for the reclamation of great basins which have heretofore been reservoirs; and since this process will continue, flood levels will be increased upon the lower sections of the river, whether levees are constructed or not.

SPILLWAYS.

While admitting that from Red River north a levee system is the only practical method, that it can be made successful, and that we can conduct safely between the levees a flood of any magnitude heretofore known down to that point, it is contended with much force and upon an interesting array of facts by men whose opinions are entitled to much credit that

safety below Red River can only be secured by the adoption of some additional means—some works of flood control supplemental to and coordinate with the levee system. For this purpose outlets or regulated spillways are proposed. The Committee on Flood Control was much impressed by the arguments presented by the people of Louisiana in relation to this phase of the subject. These arguments were presented not only by laymen but by very able engineers who have been intimately associated with the problems involved, and this phase of the subject was not overlooked by the Committee on Flood Control. I quote from the report:

As the country above has been developed and drainage districts created which precipitate the surplus water into the river the flood level in the lower reaches of the river has continuously and progressively been elevated. Due to this fact many people of Louisiana, particularly of New Orleans, have advocated other methods of controlling the floods in addition to those heretofore employed by the commission. The necessity of regulated spillways below Red River, both above and below the city of New Orleans, was urged upon the committee with great earnestness and force. The committee is not composed of engineers, and must, of necessity, leave the determination of all purely technical questions of engineering to the engineering authority established by the Government and charged with the responsibility and authority to make the work of flood control effective, which, in this instance, is the Mississippi River Commission and the Chief of Engineers.

The flood control act gives the Mississippi River Commission full power to control the floods by any method which they may adopt with the approval of the Chief of Engineers. Under this authority they may, if they deem proper, provide spillways, outlets, or any other method. It would be unwise to the last degree for Congress to undertake to direct the engineers in such matters or to go farther than the present law.

In respect to matters of this kind it is not within the province of Congress to adopt the method by which the result shall be achieved, or to direct that any particular project be adopted or carried out in a way or by a method specified in the legislative act. Where the Federal Government undertakes a work and establishes its agency for that purpose the money appropriated therefor is spent exclusively and only upon the plans and recommendations of that agency to achieve the end desired.

After this bill was reported by the Committee on Flood Control the question of authority for the adoption of spillways was submitted to the Chief of Engineers and the Mississippi River Commission, and these authorities have gone on record as follows. I quote from a letter of Gen. Lansing H. Beach, Chief of Engineers, addressed to me:

1. I have the honor to reply to your letter of the 9th instant relative to the authority of the Mississippi River Commission of maturing plans for flood control.

2. Section 1 of the flood control act, approved March 1, 1917 (of which this is a reenactment), empowers and directs the Secretary of War to carry on continuously the work of flood control and river improvement in accordance with "the plans of the Mississippi River Commission heretofore or hereafter adopted," but limits the expenditure therefor, etc. * * *

3. Neither the existing law nor the proposed legislation prescribes any specific method of prosecuting the work, but merely provides that it shall be prosecuted in accordance with the plans of the commission heretofore or hereafter adopted. It is obviously meant by this that the authority of the commission to formulate and of the Chief of Engineers to approve plans is a continuing one, and that it is to be exercised at all times in the interest and advantage of the work. I am of the opinion, therefore, that full authority exists for the adoption of any methods which may be determined to be the best and most practicable.

And now I quote from a letter of Col. Charles L. Potter, president of the Mississippi River Commission:

I have your letter of January 9 asking my opinion as to whether the commission has at present full authority to consider "spillways and other works of flood control" in its handling the flood problem on the lower river. There is not the slightest doubt of our full authority to consider such measures and to use them if we think advisable. No further legislation along those lines is at all necessary.

So there is no language that could be framed to give more complete authority for the adoption and construction of spillways and outlets than now exists. I feel safe, from actual knowledge of the situation, in saying that the minds of the Chief of Engineers and the Mississippi River Commission are not closed against arguments in favor of spillways. The hearing before the Committee on Flood Control indicated very clearly that they have not approved this method, and had they done so heretofore the money to execute such plans has not been provided. Assurances have been given that permission would be granted to the people of New Orleans and Louisiana to construct the proposed spillway at Poydras, just below New Orleans. If this should be done the results therefrom would probably be the most convincing argument that could be made.

OUR PROBLEM BETTER UNDERSTOOD.

Mr. Speaker, this bill proposes to make available the largest sum ever authorized for this all-important work, and in my judgment its passage by Congress is made possible at this time by the fact that the problems of the Mississippi Valley have come to be known and appreciated by the people of the Nation. Senators and Representatives from every section of the country have had the opportunity to see and know the difficulties involved, the vast interests at stake, and the determined and heroic efforts of our people. These Senators and Representatives have taken the message home to their fellows, who have received it in that spirit of fairness and justice characteristic of the American people of all sections.

For this and other opportunities for the American public to have possession of the information necessary to form a fair and proper judgment I wish to acknowledge our indebtedness not only to the States and various levee organizations concerned for their splendid activities, but also to the patriotic and unselfish associations of public-spirited citizens such as the Mississippi River Flood Control Association, of Memphis, Tenn., and the Safe River Committee of the city of New Orleans.

When it was realized that the flood control act of 1917 would expire with the work far from complete and with new problems pressing for solution, these associations rendered valuable assistance in connection with public conventions at various points, in disseminating information, and in contributing to the general discussion that resulted in a united and definite line of procedure which is now about to culminate in the passage of legislation so much needed.

The passage of the present bill does not complete our work for flood control. We have now pending bills affecting other sections of the country and providing for surveys and reports preliminary to legislation of a protective character. We also have pending before the Committee on Flood Control a bill known as the Dupré bill, providing means for a general study of the whole problem of stream flow and flood prevention in a comprehensive way, and which I hope shall have the earnest consideration of the next Congress.

NAVIGATION.

I refer to navigation because the dreams of those who have for a number of years been advocating a revival of navigation on the Mississippi River are being realized. The present service, under the direction and control of the War Department, has surpassed the fondest expectations of its advocates. It is entirely sufficient on this phase of the discussion for me to refer you to the testimony of Col. Q. T. Ashburn, who is in charge of the Federal Barge Line service on the Mississippi River, before the Committee on Flood Control. I quote:

Whether or not we have been able to make good, I think, is illustrated by the appropriations which have been made. The appropriation for the first year was $10,000,000; the next year, $4,000,000; last year, $1,250,000; and you will note that out of a million and a quarter dollars $600,000 is coming back into the Treasury. Last year there was appropriated $330,000. Less than $100,000 has been used in the operation of the barge lines, which shows whether they have been effective or not. The appropriation for this year is for the Washington office only, which is $30,000.

Now, with regard to the barge line, to show whether or not it is of any value to the country, I want to give the figures as to the tonnage carried in 1921. The river tonnage carried in 1921 was 237,268 tons. In 1922 it was 655,789 tons, an increase of 176 per cent. The tonnage that was carried in the fiscal year 1922 was: Southbound, 414,790 tons; northbound, 240,999 tons. The revenue southbound was $1,397,530; northbound, $1,139,958; making a total revenue for the year of $2,537,489.

Now, when this line was first put in everybody said that there would be no upbound freight. It was a long, hard pull to get any upbound freight. You gentlemen are well aware of the fact that traffic trade travels well-established routes and will not leave one route to go to another route till it is given sufficient dependable service. * * * Now, we got in a condition where we could give most efficient dependable service and we were in a position to handle the traffic, and during the six months of this year the upstream traffic increased so much that I think it is greater than the downstream traffic. The upstream traffic, a larger portion of it, would never have come that way at all unless there had been cheap water rates.

Colonel Ashburn further testified that it was not possible to handle the cargoes offered on account of insufficient equipment. Also, that if proper equipment were provided, the present barge-line service could be profitably extended to the navigable tributaries of the Mississippi River.

Whether viewed from a standpoint of flood control or navigation, the expenditure of the money provided in this bill is amply justified.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Illinois to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

Mr. HAUGEN and Mr. LAZARO were given leave to extend their remarks in the RECORD.

The extension of remarks referred to is here printed in full as follows:

Mr. LAZARO. Mr. Speaker, I am heartily in favor of the flood control bill, and I hope that the membership of this House will consider this legislation in a nonsectional and nonpartisan way, and pass it as soon as possible.

It is the policy of the Government to appropriate money to protect crops from insects and diseases, also cattle and forests, so that the people may have food, clothing, and shelter. With the movement from the farms to the cities we are already threatened with limited production. Certainly legislation of this sort, which would protect millions of acres of our most fertile land from recurring floods, is in the interest of all our people. Take for instance the cotton crop. Every pound of it is needed to clothe our people, and yet every time we have a flood, millions of acres of the most fertile cotton land in the world is flooded and the crop lost. We also have the moral responsibility of the Federal Government to assist in the safeguarding of life from these floods.

In planning work of the magnitude required to control the Mississippi River and its tributaries during flood stages we must look ahead. The money which this bill authorizes will not be available until July, 1924. However, if this bill should fail to become a law before adjournment, March 4, it would be nothing short of a disaster for the lower Mississippi Valley. On the other hand, if the bill becomes a law this session, the levee boards can go ahead with their plans, and also the Mississippi River Commission.

I am glad, indeed, to see a change in sentiment in Congress on this vital question. Some who were not in favor of such appropriation years ago because it did not directly affect them now understand that it is a big American problem which must be met and solved if the entire country is to develop and prosper.

We had no such desperate and critical flood problems years ago. Such floods as came then would spread out more gradually or were controlled by levees that the local people could afford to maintain at their own expense; but to-day, my friends, these floods come so suddenly upon us, because of the destruction of forests and better drainage above, that they are absolutely beyond our control.

The United States has spent considerable money on reclamation. Reclamation is the conversion of waste land, such as deserts, swamps, and cut-over lands, by human labor and artificial means, into productive areas. We have done splendid work in that line and we should encourage it. At the same time we must bear in mind that the main purpose of efforts to control the Mississippi River and its tributaries is the preservation of vast productive areas, great cities and farms already existing, against the ever-increasing floods poured down upon them in ever-swelling volume as a result of the improvement of agricultural lands above. This is not reclamation; it is national conservation of immense established values. Certainly we can not permit these vast values, fruitful acres, and large cities to be given over to destruction. The conversion of waste places to human use, the development of new values, the conservation of existing values constitute one of the highest and truest functions of government.

Let us rise above partisanship and sections and pass this bill to-day, with the hope that the Senate will do likewise and that the President will sign it before March 4.

ENTRY OF ANIMALS FREE OF DUTY.

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House Joint Resolution 422, disagree to the Senate amendments, and ask for a conference.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent to take from the Speaker's table House Joint Resolution 422, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. CRISP. Let the title be reported.

The Clerk read as follows:

House Joint Resolution 422, permitting the entry free of duty of certain domestic animals which have crossed the boundary line into foreign country.

The SPEAKER pro tempore. Is there objection?

Mr. GARRETT of Tennessee. Is this an emergency free-trade proposition? [Laughter.]

The SPEAKER pro tempore. The Chair hears no objection, and appoints the following conferees:

Mr. GREEN of Iowa, Mr. LONGWORTH, Mr. HAWLEY, Mr. COLLIER, and Mr. OLDFIELD.

THE LATE REPRESENTATIVE WILLIAM BOURKE COCKRAN.

Mr. BURTON. Mr. Speaker, under the direction of the Committee on Foreign Affairs, I ask unanimous consent to present for reading and insertion in the RECORD of a resolution adopted this morning by that committee upon the death of the Hon. WILLIAM BOURKE COCKRAN.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent to present a resolution adopted by the Committee on Foreign Affairs on the death of the Hon. WILLIAM BOURKE COCKRAN. Is there objection?

There was no objection.

Mr. BURTON read the following:

MEMORIAL RESOLUTION UPON THE DEATH OF HON. WILLIAM BOURKE COCKRAN, ADOPTED BY THE COMMITTEE ON FOREIGN AFFAIRS OF THE HOUSE OF REPRESENTATIVES MARCH 2, 1923.

The members of the Committee on Foreign Affairs have heard with the deepest sorrow of the sudden death of Hon. WILLIAM BOURKE COCKRAN.

His association with the committee has left a lasting impression because of his remarkable knowledge of general history and his keen discernment of international policies and relations; coupled with an exalted sense of public duty and untiring industry, worthy of the highest standards of legislative activity and of statesmanship.

His geniality and helpfulness were so constantly manifested that each member of the committee mourns his death as a personal loss.

For 40 years he maintained an unsurpassed position among orators of the English-speaking tongue. His eloquence and readiness in debate on manifold occasions, both in the Old World and the New, have given him a distinctive place among the public speakers of our time.

The eminence of his public service has made his name an inspiration and a permanent heritage for the country which he loved so well.

With a profound appreciation of their own loss, and that of his constituency and the Nation, the members of the committee, by formal resolution, unanimously adopt this memorial and convey to the bereaved wife of Mr. COCKRAN their most heartfelt sympathy.

Mr. Speaker, I ask unanimous consent that this be printed in the RECORD in 8-point type. It is probable that there will not be time for memorial exercises during this session for our departed colleague, but if a new precedent is needed I shall ask during the next Congress that we may be afforded an opportunity for memorial services.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AN ADDITIONAL COLLECTION DISTRICT FOR INTERNAL REVENUE.

Mr. MILLS. Mr. Speaker, I move to suspend the rules and pass the Senate bill 2051, an act to amend section 3142 of the Revised Statutes, to permit an increase in the number of collection districts for the collection of internal revenue and in the number of collectors of internal revenue from 64 to 65.

The Clerk reported the bill, as follows:

Be it enacted, etc., That section 3142 of the Revised Statutes is amended by adding at the end thereof a new paragraph to read as follows:

"On and after July 1, 1921, the whole number of collection districts for the collection of internal revenue and the whole number of collectors of internal revenue shall not exceed 65."

The SPEAKER pro tempore. Is a second demanded?

Mr. COLLIER. Mr. Speaker, I demand a second.

Mr. MILLS. I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from New York is recognized for 20 minutes.

Mr. MILLS. Mr. Speaker and gentlemen of the House, this is a bill that can be explained very briefly and be very readily understood. It provides for the increase of the number of internal revenue collection districts from 64 to 65, and I may say, so that the House may have a complete understanding of what is proposed, that if this measure is enacted the Treasury Department proposes to locate the new district in the State of New York and possibly within the limits of the city of New York. Why is this needed? Gentlemen are familiar with the fact that in the course of the development of our tax system during the last 10 years the number of taxpayers has risen from 600,000 to 9,000,000 and that the number of returns handled by this collection district in 1920 was no less than 15,000,000. The situation in the county of New York is particularly serious. We handled there in 1921 no less than 404,000 individual income-tax returns, and in addition some thousands of special returns, as well as sales-tax returns. Now, it is of the greatest possible value to the Treasury Department that these returns should be expeditiously handled. One of the difficulties, in my judgment, which has arisen in the administration of the income tax and has given rise to a delay amounting to five or six years in auditing returns is the fact that we have at-

tempted too much centralization and have not decentralized. From the standpoint of the taxpayer it is essential for his convenience that these offices be located not only from a convenient standpoint geographically but so that he can be able to deal with the head of the bureau. Subordinates do not satisfy when it comes to a question of paying a large tax. Subordinates do not satisfy when there is an intricate question of law. You know and I know, when we have a question of that kind, we want to go to the top, to the man at the head of the bureau of the district.

In our particular district in New York City you can not go to the head of the bureau when there are 404,000 taxpayers.

Mr. GARRETT of Tennessee. But the head of the bureau there can make no final ruling.

Mr. MILLS. I appreciate that, but the gentleman knows that in many, many cases a personal interview will clarify the matter in so far as the taxpayer is concerned, and may in the future do away with any amount of litigation.

In addition, we have a very peculiar geographical situation. To the north of the county of New York we have the counties of Bronx and Westchester, one of which is located within the confines of the city of New York. They are not a part of the second district, although the county of Westchester, for instanee, is made up almost wholly of towns and cities, suburban in character, whose inhabitants do business in the city of New York and live within 20 to 25 miles of the city of New York.

Mr. BLANTON. Mr. Speaker, admitting the gentleman's statement that there is a necessity, is there any reason why it should be determined in advance of the passage of this legislation that no white man shall be appointed to this office?

Mr. MILLS. It has not been so determined.

Mr. BLANTON. I have understood that.

Mr. MILLS. The gentleman is misinformed. These people in the counties of Westchester and Bronx have to travel 150 miles to Albany to the collector's office there. Can you imagine a greater absurdity than a resident of the city of New York living within the city limits being obliged to travel 150 miles to interview the collector? Can you imagine a greater absurdity than the men who live in one of the cities of Westchester, close to New York, every day in business in New York, being obliged to go to Albany, 150 miles away, on tax questions? It will be suggested, of course, that the Treasury Department has authority, and why does it not combine Westchester and Bronx with the second district? It can not do so because the second district is already overwhelmed with work, and if you added these two other counties, you would have a district which would exceed in magnitude any other district in the United States, and which would be unwieldy from the administrative standpoint. If you adopt this proposition and the Treasury Department should decide to take in the Bronx and Westchester Counties, the resulting district would be as follows: The second district would have a population of 1,142,000, with approximately 204,000 income-tax payers, and the third would have a population of 2,218,000, with 270,000 income-tax returns.

Should the department decide not to include the Bronx and Westchester, but simply from the standpoint of administration to divide the county of New York, you would have the following result: The second district would have 204,919 individual tax returns with a population of 1,142,000 and the third would have returns of 204,000 with a population of 1,142,000. You gentlemen will realize from the situation in your own districts that these are pretty large districts. In fact, in the number of returns filed each district would still be in excess of the number filed in all but seven of existing districts.

What are the arguments against this proposition which will be urged by my friends on the other side? They will say to you that we are creating a new job. I frankly admit that of course we are creating a new job, the job of collector of internal revenue in this new district.

However, there is nothing wrong in the creation of a new job, if the job is needed, even though from a political standpoint it may be objectionable that the job is going to some one of the opposite faith.

Mr. SIEGEL. Mr. Speaker, will the gentleman yield?

Mr. MILLS. Yes.

Mr. SIEGEL. Bronx County has had the greatest growth in population of any county or place in the country since the creation of these districts. It grew from a population of 400,000 to 800,000 in less than six years, according to the census of 1920, and since 1920 the Bronx has grown to the extent of another 120,000 population, with all of the big factories moving up there, and the large income-tax payers moving up into that county. There is urgent necessity for an additional revenue district in order to get the money in and collect all that is due to the Government. They are not doing it now and they can not do it.

Mr. MILLS. Again, it will be urged that this means largely increased expenditures. It does not mean largely increased expenditures. You would have to have a new office, but today you have a branch office. You may have additional floor space in another building, and you are paying for that same floor space down town to-day. There would not be a single additional clerk or place created by this position, because it takes the same number of clerks to handle 404,000 income-tax returns, whether they be in an office located at Wall Street, or in an office located at Washington Heights.

Mr. ROSSDALE. And floor space in the Bronx at $2 a square foot and in Manhattan, where the office is now located, it is $6 and $7 a square foot.

Mr. MILLS. So that the argument which will be unquestionably urged that we are advocating a measure that means large additional expenditure can not for one minute be sustained. If anything, it should mean decreased expenditures, and the only possible increase in expenditure is the salary of the new collector. Therefore, gentlemen, I urge in all sincerity that you pass this measure as one which the Treasury advocates, as one necessary, from an administrative standpoint, and which we Representatives of the city of New York advocate as a measure necessary for the convenience of the taxpayer.

I reserve the remainder of my time.

Mr. COLLIER. Mr. Speaker and gentlemen of the House, the minority thinks that the creation of this office is absolutely and entirely unnecessary. The Members of this House will recall that some time ago during the last session of Congress a bill bearing the same recommendations from the Treasury Department that this bill bears was reported by the Committee on Ways and Means over the objection of the minority, and that it came to this floor. There was this difference between that bill and this bill: That bill created more internal-revenue collectors than this bill does, and the Members of the House will recall that after as hot a day's debate as I have ever seen that bill was never brought up again, but was quietly put to sleep. This is just a continuation of that old fight. There is no need for the creation of this office. It is simply to give some one a job. The gentleman from New York [Mr. MILLS] has told you that it means only the addition of one man's salary.

Why, the gentleman from New York will know, and I have been informed, that the creation of these new positions will force the Government to either rent or by other means purchase or acquire a building which will cost over $30,000. The policy of the department has been to concentrate these matters. Under the existing law the Secretary of the Treasury can now so consolidate these districts that by deputy commissioners the work can be done.

Mr. BEGG. Will the gentleman permit a question?

Mr. COLLIER. In just a second. I picked up a New York paper yesterday and I saw in that paper a list; I did not count them, but there were hundreds of places in the city of New York where the income-tax payer can now go, and there is absolutely no necessity for this office except to give some one a job. I yield to the gentleman.

Mr. BEGG. I think the gentleman is anxious to do justice at all times. That is the credit I give him. Now, there are 64 internal-revenue collectors in the United States. There are 5 in the State of New York, and if this bill passes it will make 6. In other words, there will be 6 internal-revenue collectors at this time, if this bill becomes a law, to do one-fourth of the business of the United States, because the State of New York collects and pays one-fourth of the total income. Does not the gentleman think, in all fairness, the request is a reasonable one when they only ask for one more collector to do one-fourth of the work of the United States?

Mr. COLLIER. There is no doubt the gentleman from New York is reasonable in his demand, because we might have expected even a greater demand. I want to say this to the gentleman from Ohio: Now we have not got the same amount of work which we had. We do not collect the excess-profits tax. There was a time when we did more work than now, and that is why I do not think it is necessary to increase the number of collectors.

Mr. ROSSDALE. If the gentleman will permit, in the city of New York in the county of the Bronx there are possibly 900,000 people that have to go to Albany to pay their taxes, despite the fact they are a part of the city of New York.

Mr. COLLIER. That is true; but the Secretary of the Treasury can remedy that if he wants to, when there are two or three hundred districts and substations——

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. COLLIER. I will.

Mr. GREEN of Iowa. The other bill provided 10 additional collectors. I did not think they needed the 10. I do agree it does seem this additional one is necessary.

Mr. SIEGEL. Will the gentleman yield?

Mr. COLLIER. I do.

Mr. SIEGEL. I desire to correct what the gentleman said about seeing in the New York newspapers notices in reference to these places where individual revenue agents are present. They are simply banks and similar places where men can go to fill out income-tax blanks. You can not get other information or correct returns. It is very unfair that taxpayers in New York should have to travel 150 miles to Albany to get any other kind of information.

Mr. COLLIER. The gentlemen could go to the Secretary of the Treasury and present the facts, because under the existing law these internal-revenue collection districts can be rearranged.

Mr. SIEGEL. Some time ago, about three years ago, on the floor of this House I called attention to the additional amount of money which could be brought in by taxes then uncollected. For instance, we had 100 men sent out, and each of those men drew $4 a day allowance. If you create this additional collector you will be bringing in millions of dollars into the Treasury, and the amount that you will expend will be practically nil. This is a question of getting into the Government Treasury millions, whereas the item of expense now involved in the bill under consideration is $7,000 or $10,000.

Mr. COLLIER. I yield five minutes to the gentleman from Arkansas.

Mr. PERLMAN. Will the gentleman yield?

Mr. COLLIER. I will.

Mr. PERLMAN. The gentleman just stated in reference to a building costing $30,000——

Mr. COLLIER. I estimated that as costing that more or less.

Mr. PERLMAN. Will the gentleman yield?

Mr. COLLIER. If I had the time.

Mr. PERLMAN. On Monday last I had a talk with one of the deputy commissioners of internal revenue and he told me it is absolutely necessary to transfer a large staff of men to New York to do the work that is necessary there now, and that will entail an additional expense for office space. If you have to find that space for the men in the locality where the present district office is located it will require a great deal more money for rent than anywhere else in the city of New York, and that cost will be at least three times the amount of salary to be paid to the collector of the additional internal-revenue district provided for by this bill.

Mr. COLLIER. I yield five minutes to the gentleman from Arkansas [Mr. OLDFIELD].

Mr. OLDFIELD. Mr. Speaker, I do not think the establishment of this new district is necessary. As the gentleman from Mississippi has said we fought this out here once before. Another thing: This bill passed the Senate in 1922, in June of last year, and they waited here until the closing days of this session to bring it up. Now that is not fair to the country. We ought to have considered this bill; we ought to have had an opportunity to consider this bill on its merits.

Mr. MILLS always makes a splendid argument. He is a very able fellow and a charming gentleman personally, but he is wrong about this proposition. The Secretary of the Treasury has ample authority, and nobody would deny that, to rearrange and have substations and put all of New York City in one district, if he desired, and just save that trip of 150 miles up to Albany. The Secretary of the Treasury has all the authority he needs. Why come in here in the last moments of this Congress and ask us to create a new district? I do not know how many people would have to be put in that office. You would have an internal-revenue collector and everything that goes with an internal-revenue collector's office. I do not know how many thousands of dollars it would cost every year. We ought not to do it, gentlemen, because, as I say, the Secretary of the Treasury has ample authority under the law now to correct this situation, and these gentlemen know it. There is no question about it.

Now I do not want to take up the time here, because other gentlemen desire to say a few words upon this bill. But, gentleman, you ought not to encourage this practice of coming in here in this way at the end of the session with legislation that is not necessary. It was taken up 10 months ago, and you got licked after a day's discussion. Of course, that bill provided for 10 new districts, and this provides for only 1.

Mr. ROSSDALE. Does the gentleman favor an increased collection of taxes? Does the gentleman know that the Government is now two years behind in checking up?

Mr. PERLMAN. Five years behind.

Mr. ROSSDALE. Yes. We pay the money.

Mr. OLDFIELD. We are collecting less taxes from New York and everywhere else in the country now than last year or in the previous year. In other words, internal revenue collections are coming down.

Mr. GREENE of Vermont. The gentleman is experienced in accounting to a sufficient degree to know that the volume of money collected is no criterion of the cost of collection.

Mr. OLDFIELD. That is true. They can collect these taxes in the great congested districts much more cheaply than in the scattered territory.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. OLDFIELD. Yes.

Mr. TILSON. The gentleman realizes that if we were to transfer all the business of Bronx County and Westchester County to the downtown district of New York they would have to double the force which they now have, and that would entail an enormous expense.

Mr. OLDFIELD. If you create a new district, a new internal revenue collector, you must have additional space. But you can locate it anywhere.

Mr. ROSSDALE. The rents are one-fourth in the Bronx what they are in New York City proper. It would be cheaper to move the entire establishment to the Bronx.

Mr. OLDFIELD. The Secretary of the Treasury can change the situation and location absolutely. He can put it all in one district. He can put it all in Albany if he wants to. He ought to do this, just as he has the right to do it under the law, and not come in here in the closing days of Congress and ask for a new internal revenue collector and all that goes with it.

Mr. SIEGEL. Does the gentleman realize that the population of New York is growing tremendously, and that the object in view is to get more individual collections? Does he realize that it can not be done unless we get another collector and another district, so that provision can be had for these additional men.

Mr. OLDFIELD. In the other bill you did not expect more than one additional internal revenue collector in that entire district.

Mr. SIEGEL. Two, I will say to my friend.

Mr. MILLS. Mr. Speaker, I yield five minutes of my time to the gentleman from New York [Mr. HUSTED.]

The SPEAKER pro tempore. The gentleman from New York is recognized for five minutes.

Mr. HUSTED. Mr. Speaker, as the gentleman from New York [Mr. MILLS] remarked, there is not much to be said on this bill, and what little there is to be said he has said extremely well.

I happen to live in the county of Westchester, and I know what the situation is. Westchester County is within the metropolitan district. We do business in the city of New York. We are only a few miles out. But we are in the fourteenth district for internal revenue and income tax purposes. If we want to talk to a collector we have to go 100 miles or 125 miles away to do it, when we live on the border of New York City and very frequently go there.

Westchester County is not in New York City, yet many of the largest income-tax payers in the United States live in Westchester County; their returns are the most voluminous and the most complicated, and on them a great amount of money is paid into the Federal Treasury.

Now, the situation in the Bronx is even worse than it is in Westchester County. The Bronx is in New York City. The county of the Bronx is a part of New York City. I think it is the most rapidly growing section in the United States. The people who live in the Bronx, in the city of New York, have to go up to Albany to see the collector there about income-tax matters.

The gentleman from Arkansas [Mr. OLDFIELD] says that the Secretary of the Treasury has ample authority now to add the county of Bronx to the second New York district. Of course, he has.

Mr. SEARS. Mr. Speaker, will the gentleman yield?

Mr. HUSTED. I can not yield now.

And he has ample authority to add the county of Westchester to the second New York district. Why does he not do it? He does not do it for good, sound, administrative reasons. The second district, which is the county of New York, is already the second largest collection district in the United States. They have more work now than they can properly attend to, and that is the reason why the Secretary of the Treasury not only does not add the county of Westchester, but can not properly add the county of the Bronx, although it is actually a part of the city of New York.

We should have a new collection district for the convenience of our taxpayers, and when it comes down to the question of

expense I firmly believe that what the gentleman from New York [Mr. SIEGEL] has said is absolutely true, that through better administration so much more money will come into the Federal Treasury that the little amount involved in paying the salary of one additional income-tax collector will amount to nothing in comparison. I believe that this is a good business proposition for the Treasury of the United States and that the only possible objection that anybody could raise against it is that it is being done by the Republican Party and that the man who will get this small position will be a Republican. Well, that is too small a consideration to influence anybody in a matter of this kind. I want this thing, from my point of view, not because a Republican is going to be appointed, but for the convenience of the taxpayers in the county in which I live.

I want it for them and for their interests so that they can go to the collector in the new district within a reasonable distance from where they live and talk these important matters over with him. I do not want them to have to go to Albany, 125 miles away from home, to take up these matters. It is a good business proposition. If you pass this bill, which adds one additional district, which increases the number from 64 to 65, you will greatly convenience our income-tax payers and at the same time, as I believe, help the Federal Treasury by providing for better administration of the income tax law in one of the most congested and rapidly growing sections of the United States.

Mr. COLLIER. Mr. Speaker, I yield three minutes to the gentleman from California [Mr. SWING].

Mr. SWING. Mr. Speaker, this additional district may be needed. The Secretary of the Treasury says it is and I am not sufficiently informed to say that it is not. But I do criticize the policy of the Secretary in urging an increase in the number of internal-revenue districts while at the same time recommending a reduction in the number of customs districts. A little while ago Mr. Mellon wrote the Committee on Ways and Means advocating an increase of 10 internal-revenue districts, saying that it would give more efficient service to the taxpayers and net more revenue to the Government, notwithstanding that in the same letter he admitted that the amount of money being collected by the internal-revenue bureau had greatly decreased as compared with preceding years. To-day, notwithstanding the tremendous increase in business resulting from the new tariff law, he is supporting a policy of decreasing the number of customs districts on the ground that fewer districts will render better service to the public and at the same time save the Government money. No one can point out any fundamental differences between these two classes of administrative districts. Both are fiscal machinery for collecting money from the public. Consistency would be a virtue, for it is a poor rule which does not work both ways.

On February 1, last, the San Diego customs district was abolished on the request of Mr. Mellon, notwithstanding that official records show that the collections of the district for 1922 had increased over 100 per cent over those of 1921, while the collections for the first six months of the fiscal year 1923 were over 400 per cent over the collections for the preceding six months. The harbor master's report for the San Diego harbor shows that its trade for 1922 had increased over that of 1921, 50 per cent on domestic trade, 250 per cent on intercoastal trade, and 425 per cent on foreign trade. But, notwithstanding these marvelous increases in business transacted by this district, it must fall before the policy of the Treasury Department. The policy of this same department, however, requires additional revenue districts, even though the work is on the decrease and the collections are less than they have been for a number of years.

You gentlemen may be able to reconcile these two policies; I can not. If it adds efficiency to increase revenue districts, notwithstanding a falling off in business transacted by them, how does it improve the service of customs districts to decrease their number notwithstanding a very heavy increase in work to be performed by them? Let those explain who can.

Mr. HUDDLESTON. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER pro tempore (Mr. SNELL). The gentleman from Alabama makes the point of order that no quorum is present. The Chair will count. [After counting.] One hundred and sixty-five Members present, not a quorum.

Mr. HICKS. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

Almon	Arentz	Bland, Ind.	Brennan
Ansorge	Atkeson	Boies	Britten
Anthony	Bird	Bowers	Brooks, Ill.
Brown, Tenn.	Hays	Maloney	Stiness
Browne, Wis.	Hoch	Michaelson	Stoll
Burke	Huck	Montague	Sullivan
Byrns, Tenn.	Ireland	Moore, Ill.	Taylor, Ark.
Chandler, Okla.	Jacoway	Morin	Taylor, Colo.
Clague	Johnson, Miss.	Mudd	Taylor, Tenn.
Clark, Fla.	Johnson, S. Dak.	Newton, Mo.	Ten Eyck
Classon	Jones, Pa.	Olpp	Thomas
Clouse	Kahn	Overstreet	Thorpe
Codd	Kearns	Paige	Treadway
Connolly, Pa.	Keller	Park, Ga.	Upshaw
Crago	Kelley, Mich.	Parks, Ark.	Walters
Crowther	Kennedy	Patterson, Mo.	Ward, N. Y.
Cullen	Kindred	Pringey	Ward, N. C.
Curry	King	Riddick	Watson
Davis, Minn.	Kitchin	Riordan	Wheeler
Denison	Kleczka	Rogers	White, Me.
Drane	Knight	Rose	Williams, Tex.
Edmonds	Lanham	Ryan	Wood, Ind.
Ellis	Linthicum	Schall	Woods, Va.
Freeman	Little	Scott, Mich.	Yates
Garner	Luhring	Shelton	Zihlman
Glynn	McArthur	Sisson	
Gould	McClintic	Slemp	
Hardy, Tex.	McFadden	Smith, Mich.	

The SPEAKER pro tempore. On this call 317 Members have answered to their names, a quorum.

Mr. HICKS. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. COLLIER. Mr. Speaker, I yield two minutes to the gentleman from Nebraska [Mr. ANDREWS].

Mr. ANDREWS of Nebraska. Mr. Speaker, this bill proposes an increase of public expenses in the closing days of the session when there appears to be no time for anything except the passing of bridge bills and increasing public expenses by creating new offices. I do not believe the passage of this bill would enlarge the facilities of the taxpayers by the creation of this new internal-revenue district. Let them use the agencies already at hand and employ the necessary deputies and field force to meet the situation.

Moreover, Mr. Speaker, there is another element in the history of these questions that creates suspicion in my mind. Years ago when the Congress passed a law abolishing the fee system for United States attorneys and marshals, it was thought that it covered the whole country. Imagine the surprise that developed when we found that the New York gentlemen of that day, not of this day, had incorporated in the bill a clever provision that enabled the district attorney in the city of New York to earn from twelve to fifteen thousand dollars a month. That clever trick raises a suspicion now. Take another example: The Hon. Frank A. Vanderlip, of New York City, who has recently been telling the United States how to grow rich by donating $11,000,000,000 to foreign nations, negotiated the sale of the old customhouse in New York City to the National City Bank. The bank drew its check for the purchase price, less $50,000. That check was immediately turned in by the representative of the National Treasury at the next window to the receiving teller and placed on deposit and was used by the bank without interest or at a very low rate. The arrangement whereby the deed was withheld from record and $50,000 deferred on the purchase price enabled the bank to escape local and State taxation for several years. Now we are called upon in the closing days of the session to increase the overhead expenses of the internal revenue office in the city of New York. They tell us the collector of internal revenue is the man to whom the people would go to make their tax returns. As a rule the collectors of internal revenue do not understand the law well enough to help anyone make out their tax returns. They are not placed in office for that purpose. They are placed there as executives to handle the trained force of the office that is educated to the interpretation and application of the law to a given state of facts as the taxpayer submits it.

Moreover, why should this House in the closing hours of this Congress follow the chairman of the Committee on Rules and the majority leader in piling up additional expenses for political advantages for somebody in New York City? I am opposed to this bill.

The SPEAKER pro tempore. The time of the gentleman from Nebraska has expired.

Mr. ANDREWS of Nebraska. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The extension of remarks referred to is here printed in full as follows:

Mr. ANDREWS of Nebraska. Mr. Speaker, the eighteenth amendment to our Federal Constitution has an important bearing upon the civic and moral welfare of our country. It greatly

improves civic affairs by removing the open saloon, which has corrupted American politics to a remarkable degree. It has contributed already a large measure of benefit to the moral welfare of our people by closing the open doors to numerous vices and corruptions that always flowed through the channels of intemperance.

Some of the opponents of that amendment assert that the eighteenth amendment has been a failure because bootleggers and other violators of the law peddle poisonous whisky, which creates drunkenness and sometimes death. The eighteenth amendment does not compel anybody to drink bad whisky. It warns them against its use. They seem determined to indulge in drunkenness and even death itself in a vain effort to convince the people of this country and the world that the eighteenth amendment is a failure. If they had observed the requirements of that amendment, drunkenness could have been avoided and lives could have been saved.

It may be remarked in passing that the law forbidding stealing does not compel the thief to steal your horse or your money. Such thefts are committed in direct violation of the law, just as drunkenness and the peddling of bad whisky by bootleggers are practiced in direct violation of the law.

There are two agencies that produce all the opposition to the eighteenth amendment and the laws enacted under it. They are appetite and greed for money. These two forces in human nature challenge the peaceful order of society and the constitutions and statutes of the States and Federal Government. The assertion that prohibition has driven many men to strong drink is ridiculous. Prohibition would save them from that misfortune. Prohibition will save for the drinker his money and his sobriety. Yes; it will save for him his self-respect, his respect for his family, his fellow men, and his God. He by his own choice and largely through the influence of speeches made on the floor of this House in opposition to prohibition marches straightway to misfortune. No saloon keeper or bootlegger has ever done or is now doing more harm for the young people of America than the twin brothers that clasp hands on the floor of this House from Boston and Baltimore in opposition to the enforcement of the eighteenth amendment and the laws enacted under it.

We have listened patiently to the intemperate words of the twins from Boston and Baltimore—Messrs. TINKHAM and HILL. They have said and done everything in their power to embarrass and prevent the enforcement of the eighteenth amendment and the laws enacted under it.

It would be somewhat unparliamentary to enter into a minute description of things they have done and said in their methods of opposition. Let me call your attention to the widespread debauchery that would prevail in the affairs of this country if some incidents in their recent campaigns should be made the general practice of the Nation. Think of the humiliation that any thoughtful person must realize in his sane moments when he recalls the fact that in a congressional constituency the issue in the campaign turned upon the question as to which candidate was wetter than the other. Think of candidates standing upon beer kegs on street corners and declaring that they are wetter than anybody else and expect to secure the votes of their fellow citizens for that reason. How can any man with self-respect rest comfortably in his seat in this House having been elected under circumstances of that kind? Such an example as this only illustrates the horrible condition to which the opponents of the eighteenth amendment, the twins from Boston and Baltimore, invite us.

Yes; and there is another gentleman from Boston, Mr. GALLIVAN, who has recently joined the twins, thus forming the triple alliance, whose sole mission seems to be the restoration and reenthronement of King Gambrinus in the kingdom of booze. Think of their exalted ideas of national integrity, honor, and sobriety! Under such leadership what would our Nation become? The people would degenerate to the plane of slavery under the rule of King Gambrinus in his realm of booze.

Back of this triple alliance stands the national association against the prohibition amendment, with headquarters at 511 Eleventh Street NW., Washington, D. C. They announce the first plank in their platform as follows: "Beer and light wines now, but no saloons ever." Think of that ridiculous statement. Meditate upon the deception that it implies. If they had beer and wines free and unlimited, they would demand the return of the saloons in some form as places of necessary distribution. Do you suppose they would stand meekly aside and look upon an unlimited quantity of beer and wine without demanding an opportunity to use it? The distribution would necessitate the opening of places in the form of saloons.

That organization claims that it will have the active support and votes of a large number of new Members in the next Congress on the ground that it helped to elect them. It indorsed them openly before the congressional elections in 1922, and now claims their support for the favors thus extended them. It claims the active support and the votes of three Members from Nebraska whom they indorsed prior to the congressional election in 1922, namely, the Hon. JOHN H. MOREHEAD, the Hon. EDGAR HOWARD, and the Hon. A. C. SHALLENBERGER. The people of Nebraska will watch with care to see whether those men deliver their votes to the wets in the next Congress or not. It is assumed that the national association opposed to the prohibition amendment—eighteenth—had pledges upon that point before the public indorsements were made. The people of Nebraska recognize the fact that the confidence of that association was wisely placed when it made the indorsements.

In that campaign thousands and hundreds of thousands of the temperance people of the country took it for granted that their cause was invincible. In short, they were asleep at the switch.

In the next campaign they must be diligent from first to last in order that they may put the enemies of temperance to rout in every section of the country. The challenge is on, and every temperance man or woman that sleeps on the job will betray a sacred trust and a grave public duty.

This fight for beer and wine for public distribution began when President Wilson submitted his message to the extra session of the Sixty-sixth Congress in 1919. In that message he urged the repeal of war-time prohibition, and emphasized that proposition anew on the 28th of October, 1919, when he vetoed the Volstead bill. If his health and strength had been preserved he would surely have been the leader of the Democracy in the presidential campaign of 1920. When ill-health forced him out of the race the wet forces were thrown into confusion and floundered about until they finally selected Governor Cox, of Ohio, as their presidential standard bearer in that campaign.

The wets on the floor of this House have already suggested the name of Governor Smith, of New York, on a beer and wine platform as the Democratic nominee for the Presidency in 1924. What will Mr. Bryan and his followers do in the next national Democratic campaign? Will they be able to resist the tide now flowing through the channels of the Democratic Party demanding the repeal of the eighteenth amendment and the laws enacted under it?

The issue has been joined. Shall the eighteenth amendment live and be enforced, or shall it be repealed by the Democratic forces of the country and beer and wine restored to the public through the return of the saloons in some form? What will be the answer? Will the churches and the temperance organizations of the United States close their eyes to the nature of the contest? Will any one of them sit idly by while the enemy is alert and doing everything in his power to return the saloons to American life for the debauchery of American citizens and American politics?

The clock of time has struck the hour for renewed battle. Let the temperance forces of America arise and march to victory, as they can and will if due diligence and patriotic service are properly exercised.

Mr. COLLIER. Mr. Speaker, I yield the remainder of my time to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Speaker, of course, if the premises of the gentlemen from New York, Mr. MILLS, Mr. HUSTED, and others, were correct, to wit, that this position is needed, it would not be a sufficient answer to say that it is merely the creation of a new job; but the truth is that there is no more reason that I can see for creating a new collector of internal revenue in New York City than there is for creating a new postmaster somewhere in the city of New York. I have here a copy of the New York Times of February 28. I have not the time to read all there is, but it gives in detail the arrangements that have been made in that great city, the greatest in the world, for branch offices at which people can obtain blanks and obtain assistance in making out their returns. Of course, that can be extended indefinitely without the creation of a new collector. What is needed to expedite the business there is not a new collector but the requisite number of assistants, and they can be furnished and are being furnished if the report contained in this paper is correct. Therefore it does come back to the proposition, and it is legitimate to say it here, that this is primarily a proposition merely intended to create a new position for the benefit of some individual and not for the benefit of the public service. For that reason, Mr. Speaker, I am opposed to it and shall resist its passage to the extent of my ability. [Applause.]

Mr. MILLS. Mr. Speaker, I yield three minutes to the gentleman from Ohio [Mr. BEGG].

Mr. BEGG. Mr. Speaker, any move that will bring convenience to the great mass of the citizenship of the country ought to have the united support of both sides of the House. There should not be any partisan feeling about a question of service to the Government; and it does not come with very great force to have been on the Democratic side say that the only reason for it is to create a new job, when the facts of the case are that one-fourth of the total revenue of the United States is taken care of by one-eleventh of the internal revenue collectors; and if any readjustment of the revenue collectors were to be made it would be at the deprivation of the service that is being given to some of these gentlemen in their sections of the country, and they certainly would not advocate that. Just what are the facts? As has been stated here, more than 200,000 men are made to go 150 miles to get service. The gentleman from Tennessee [Mr. GARRETT] said, of course, that you could put subordinates out there, just as many of them as you wish. If you do that, the cost will be just as great as if you put a principal out there and fewer subordinates; and on the other hand, even if you were to do that, the average taxpayer does not like to deal with a subordinate official. As small a taxpayer as I am, I like to go and see the internal revenue collector over contested points, so that when I make my return and pay my money I know that I am not overpaying the Government.

Mr. GARRETT of Tennessee. Did the gentleman ever get a final answer out of any internal revenue collector?

Mr. BEGG. Oh, indeed I have; and to-day I am taking up all of my contested-tax cases with the internal revenue collector, first, to get his recommendation, and it has its weight and big influence in straightening out things even here in Washington.

One objection is made that it has been determined beforehand who is going to be appointed. It seems to me that the sporting blood in every one of you gentlemen on the Democratic side would say that it is none of your business who they appoint in New York under a Republican administration. Suppose the tables were turned, and that you had control of the House, and you needed an internal revenue collector in New Orleans or in Charleston or in any other place, would you believe that we were trying to serve our Government, and would you believe that we were good sportsmen politically, if we said that we would not vote for the bill simply because you determined the matter of appointment beforehand? The men in control of politics in New York have a right to select the internal revenue collector, and the only question that ought to have any bearing with us is whether or not they need the office. I want to say one word now to the gentlemen on the Republican side.

The Democrats have tried to make a partisan question out of this matter of whether or not they need an internal revenue collector in New York. I appeal to the united support of the men on the Republican side to stand by our administration right in the closing hours of this Congress. The gentleman from California [Mr. SWING] objects to the passage of this resolution upon the ground that they closed a customs office in San Diego. That is a very poor argument.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. HUDDLESTON. Mr. Speaker, I make the point of order that a quorum of the House is not present.

The SPEAKER pro tempore. The gentleman from Alabama makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and ninety-seven Members present, not a quorum.

Mr. HICKS. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

Almon	Davis, Minn.	Kahn	Montague
Ansorge	Denison	Keller	Moore, Ill.
Benham	Drane	Kelley, Mich.	Moores, Ind.
Bird	Echols	Kennedy	Mudd
Bland, Ind.	Ellis	Kincheloe	Nelson, Me.
Brennan	Favrot	Kindred	Newton, Mo.
Briggs	Free	King	Olpp
Britten	Freeman	Kitchin	Overstreet
Brooks, Ill.	Frothingham	Kleczka	Paige
Brown, Tenn.	Garner	Kline, N. Y.	Park, Ga.
Browne, Wis.	Gifford	Knight	Parks, Ark.
Chandler, Okla.	Gorman	Lanham	Patterson, Mo.
Clague	Gould	Larson, Minn.	Rainey, Ala.
Clark, Fla.	Hardy, Colo.	Lazaro	Riordan
Classon	Hardy, Tex.	Linthicum	Rodenberg
Codd	Hays	Luhring	Rogers
Collins	Henry	McClintic	Rose
Connolly, Pa.	Jacoway	McDuffie	Rosenbloom
Copley	Johnson, Miss.	McFadden	Ryan
Crago	Johnson, S. Dak.	McPherson	Schall
Crowther	Jones, Pa.	Maloney	Scott, Mich.
Cullen	Jones, Tex.	Michaelson	Shelton
Sisson	Summers, Wash.	Treadway	Wood, Ind.
Slemp	Swing	Upshaw	Woods, Va.
Smith, Mich.	Taylor, Ark.	Ward, N. Y.	Woodyard
Stedman	Taylor, Colo.	Ward, N. C.	Wright
Stiness	Thomas	Wheeler	Zihlman
Stoll	Thorpe	White, Me.	
Sullivan	Tillman	Williams, Tex.	

The SPEAKER pro tempore. Three hundred and twelve Members have answered to their names.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will open the doors.

Mr. MILLS. Mr. Speaker, I yield back the remainder of my time and demand a vote on the bill.

The SPEAKER pro tempore. The gentleman from New York yields back the remainder of his time, and the question is on the motion of the gentleman from New York to suspend the rules and pass the bill.

Mr. GARRETT of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table——

Mr. BLANTON. I make the point of order that after the yeas and nays are ordered, the roll call can not be interrupted.

Mr. MADDEN. I want to send to conference the deficiency bill.

Mr. BLANTON. I insist on the point of order.

Mr. MADDEN. Time is precious now.

Mr. BLANTON. There are some things which the gentleman ought to explain before that bill goes to conference.

Mr. MADDEN. I will explain when I come back.

Mr. BLANTON. It will not go to conference until the gentleman can give assurances that we shall be permitted to vote on certain propositions.

The SPEAKER pro tempore. The Clerk had not started to call the roll.

Mr. BLANTON. I make the point of order that when the yeas and nays are demanded and the Chair says there is a sufficient number, the roll call must be had then. But if the gentleman from Illinois will answer some questions I may not press the point of order.

The SPEAKER pro tempore. If there is objection to the request of the gentleman from Illinois——

Mr. MADDEN. I ask unanimous consent to take from the Speaker's table the bill H. R. 14408, disagree to all the Senate amendments, and ask for a conference.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question or two.

Mr. MADDEN. I will be glad to answer.

Mr. BLANTON. In regard to the $400,000 additional that is placed in this bill for the so-called Fact Finding Coal Commission, of course that will have to come back for the approval of the House, as it is legislation.

Mr. MADDEN. I will be glad to bring it back.

Mr. BLANTON. I wanted to get the gentleman's attitude on that question.

Mr. MADDEN. I do not think I ought to be asked to do that, but I will bring that back and I will give the House a chance to vote on it.

Mr. BLANTON. A chance to vote will not be worth anything with the whole administration's leader and its forces behind him.

Mr. MADDEN. But then the bill has to be disposed of in some way or other.

Mr. BLANTON. There is another matter. There is $117,000 in the bill that is designed to remodel one of the conservatories down here in the Botanical Gardens. There is a distinct proposition of great importance involved in the matter. There is a vital question involving the removal of the Botanical Gardens from its present site, and the removal question will largely depend upon what is done with this appropriation for that conservatory. If the Senate amendment is adopted, then probably the Botanical Gardens will be removed; hence will the gentleman give us his attitude on that question?

Mr. MADDEN. I can say personally that I am against the Senate amendment, although I will not bind anybody else.

Mr. BLANTON. The gentleman will bring that item back to us?

Mr. MADDEN. I can not say that.

Mr. BLANTON. That is legislation.

Mr. MADDEN. No; I do not think so.

Mr. BLANTON. The gentleman having decided it is not legislation, contrary to the view of others, will he assure us that he will give us a chance to vote on that proposition?

Mr. MADDEN. I can not give any assurance except what I have said.

Mr. BLANTON. Then I object, Mr. Speaker.

Mr. MADDEN. Of course, if the gentleman does not want this bill to pass, I am satisfied.

Mr. BLANTON. I would rather have the bill killed than to agree to its new provisions, one of which removes the Botanical Gardens.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York to suspend the rules and pass the bill.

The question was taken; and there were—yeas 211, nays 94, answered "present" 2, not voting 119, as follows:

YEAS—211.

Anderson	Faust	Kraus	Rhodes
Andrew, Mass.	Fenn	Kreider	Riordan
Anthony	Fess	Lampert	Roach
Appleby	Fish	Langley	Robertson
Arentz	Fitzgerald	Lawrence	Robsion
Atkeson	Focht	Layton	Rogers
Bacharach	Fordney	Leatherwood	Rossdale
Barbour	Foster	Lee, N. Y.	Sanders, Ind.
Beck	Frear	Lehlbach	Sanders, N. Y.
Beedy	French	Lineberger	Shaw
Begg	Frothingham	Little	Shreve
Bixler	Fuller	London	Siegel
Bland, Ind.	Funk	Longworth	Sinclair
Boies	Gahn	Luce	Sinnott
Bond	Gensman	McCormick	Smith, Idaho
Bowers	Gernerd	McKenzie	Snell
Britten	Gifford	McLaughlin, Mich.	Snyder
Brooks, Pa.	Glynn	McLaughlin, Nebr.	Speaks
Burdick	Goodykoontz	McLaughlin, Pa.	Sproul
Burton	Graham, Ill.	McPherson	Stafford
Butler	Graham, Pa.	MacGregor	Stephens
Cable	Green, Iowa	MacLafferty	Strong, Kans.
Campbell, Kans.	Greene, Mass.	Madden	Strong, Pa.
Campbell, Pa.	Griest	Magee	Sweet
Cannon	Hadley	Mapes	Taylor, N. J.
Carew	Hardy, Colo.	Merritt	Temple
Chalmers	Hawley	Michener	Thompson
Chandler, N. Y.	Hersey	Miller	Tilson
Chindblom	Hickey	Mills	Timberlake
Christopherson	Hicks	Mondell	Tincher
Clague	Hill	Moore, Ohio	Tinkham
Clarke, N. Y.	Himes	Moores, Ind.	Towner
Clouse	Hoch	Morin	Underhill
Cole, Iowa	Hogan	Mott	Vaile
Colton	Huck	Murphy	Vestal
Cooper, Ohio	Hukriede	Nolan	Voigt
Cooper, Wis.	Hull	Norton	Volk
Coughlin	Humphrey, Nebr.	Ogden	Volstead
Cramton	Humphreys, Miss.	Parker, N. J.	Walters
Curry	Husted	Parker, N. Y.	Ward, N. Y.
Dale	Hutchinson	Patterson, N. J.	Wason
Dallinger	Ireland	Perkins	Webster
Darrow	Jefferis, Nebr.	Perlman	White, Kans.
Dempsey	Johnson, Wash.	Petersen	Williams, Ill.
Dickinson	Kearns	Pringey	Williamson
Dowell	Kendall	Purnell	Wilson
Dunn	Ketcham	Radcliffe	Winslow
Dupré	Kiess	Ramseyer	Wurzbach
Dyer	Kirkpatrick	Ransley	Wyant
Edmonds	Kissel	Reber	Yates
Elliott	Kline, Pa.	Reece	Young
Evans	Knutson	Reed, N. Y.	Zihlman
Fairchild	Kopp	Reed, W. Va.	

NAYS—94.

Abernethy	Deal	Lankford	Sanders, Tex.
Andrews, Nebr.	Dominick	Larsen, Ga.	Sandlin
Aswell	Doughton	Lea, Calif.	Sears
Bankhead	Drewry	Lee, Ga.	Sisson
Barkley	Favrot	Logan	Smithwick
Bell	Fields	Lowrey	Steagall
Black	Fisher	Lyon	Stedman
Bland, Va.	Fulmer	McSwain	Stevenson
Blanton	Gallivan	Martin	Sumners, Tex.
Bowling	Garrett, Tenn.	Mead	Swank
Box	Garrett, Tex.	Moore, Va.	Tague
Brand	Gilbert	Nelson, J. M.	Taylor, Ark.
Briggs	Goldsborough	O'Brien	Ten Eyck
Buchanan	Hammer	O'Connor	Tillman
Bulwinkle	Herrick	Oldfield	Tucker
Burke	Hooker	Oliver	Turner
Byrnes, S. C.	Huddleston	Pou	Tyson
Bryns, Tenn.	Hudspeth	Quin	Vinson
Carter	James	Rainey, Ill.	Wingo
Collier	Jeffers, Ala.	Raker	Wise
Collins	Johnson, Ky.	Rankin	Woodruff
Connally, Tex.	Jones, Tex.	Ricketts	Wright
Crisp	Kelly, Pa.	Rouse	
Davis, Tenn.	Kunz	Sabath	

ANSWERED "PRESENT"—2.

Driver	McArthur

NOT VOTING—119.

Ackerman	Brooks, Ill.	Classon	Cullen
Almon	Brown, Tenn.	Codd	Davis, Minn.
Ansorge	Browne, Wis.	Cole, Ohio	Denison
Benham	Burtness	Connolly, Pa.	Drane
Bird	Cantrill	Copley	Dunbar
Blakeney	Chandler, Okla.	Crago	Echols
Brennan	Clark, Fla.	Crowther	Ellis
Fairfield	Kindred	Newton, Minn.	Smith, Mich.
Free	King	Newton, Mo.	Steenerson
Freeman	Kitchin	Olpp	Stiness
Garner	Kleczka	Overstreet	Stoll
Gorman	Kline, N. Y.	Paige	Sullivan
Gould	Knight	Park, Ga.	Summers, Wash.
Greene, Vt.	Lanham	Parks, Ark.	Swing
Griffin	Larson, Minn.	Patterson, Mo.	Taylor, Colo.
Hardy, Tex.	Lazaro	Paul	Taylor, Tenn.
Haugen	Linthicum	Porter	Thomas
Hawes	Luhring	Rainey, Ala.	Thorpe
Hayden	McClintic	Rayburn	Treadway
Hays	McDuffie	Riddick	Upshaw
Henry	McFadden	Rodenberg	Ward, N. C.
Jacoway	Maloney	Rose	Watson
Johnson, Miss.	Mansfield	Rosenbloom	Weaver
Johnson, S. Dak.	Michaelson	Rucker	Wheeler
Jones, Pa.	Montague	Ryan	White, Me.
Kahn	Moore, Ill.	Schall	Williams, Tex.
Keller	Morgan	Scott, Mich.	Wood, Ind.
Kelley, Mich.	Mudd	Scott, Tenn.	Woods, Va.
Kennedy	Nelson, Me.	Shelton	Woodyard
Kincheloe	Nelson, A. P.	Slemp	

So, two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

On the vote:

Mr. Keller with Mr. Almon.

Mr. McFadden with Mr. Taylor of Colorado.

Mr. Paige with Mr. Griffin.

Mr. Treadway with Mr. Williams of Texas.

Mr. White of Maine with Mr. Jacoway.

Mr. Kiess with Mr. Linthicum.

Mr. Scott of Michigan with Mr. Sullivan.

Mr. Greene of Vermont with Mr. Woods of Virginia.

Mr. Michaelson with Mr. Cantrill.

Mr. Patterson of Missouri with Mr. Thomas.

Mr. Wood of Indiana with Mr. Kindred.

Mr. King with Mr. Mansfield.

Mr. Connolly of Pennsylvania with Mr. Rayburn.

Mr. Newton of Missouri with Mr. Stoll.

Mr. Porter with Mr. Upshaw.

Mr. Brown of Wisconsin with Mr. Cullen.

Mr. Rosenbloom with Mr. Hawes.

Mr. Moore of Illinois with Mr. Park of Georgia.

Mr. Shelton with Mr. Montague.

Mr. Steiness with Mr. Kincheloe.

Mr. Summers of Washington with Mr. Hardy of Texas.

Mr. Swing with Mr. Drane.

Mr. Morgan with Mr. Ward of North Carolina.

Mr. Kline of New York with Mr. Clark of Florida.

Mr. Smith of Michigan with Mr. Weaver.

Mr. Mudd with Mr. Overstreet.

Mr. Ackerman with Mr. Garner.

Mr. Cole of Ohio with Mr. Hayden.

Mr. Free with Mr. Kitchin.

Mr. Kahn with Mr. McClintic.

Mr. Jones of Pennsylvania with Mr. Parks of Arkansas.

Mr. Denison with Mr. Rucker.

Mr. Freeman with Mr. Johnson of Mississippi.

Mr. Crowther with Mr. Lazaro.

Mr. Johnson of South Dakota with Mr. Rainey of Alabama.

Mr. Davis of Minnesota with Mr. McDuffie.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13774) to amend the revenue act of 1921 in respect to exchanges of property.

The message also announced that the Senate had passed with amendment the bill (H. R. 14144) to limit and fix the time within which suits may be brought or rights asserted in court arising out of the provisions of subdivision 3 of section 302 of the soldiers and sailors' civil relief act, approved March 18, 1918, being chapter 20, volume 40, General Statutes of the United States, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed with amendment the bill (H. R. 13430) to amend section 370 of the Revised Statutes of the United States, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed with amendments the bill (H. R. 14077) to extend the benefits of section 14 of the pay readjustment act of June 10, 1922, to validate certain payments made to National Guard and reserve officers and warrent officers, and for other purposes, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed without amendment bills and joint resolutions of the following titles:

H. R. 7851. An act to amend an act entitled "An act to amend an act entitled 'An act to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes,'" approved September 1, 1916, so as to provide for the terms of the district court to be held at Spartanburg, S. C.

H. R. 11477. An act granting the consent of Congress to the Freeburn Toll Bridge Co. to construct a bridge across the Tug Fork of Big Sandy River, in Pike County, Ky.

H. J. Res. 256. Joint resolution proposing payment to certain employees of the United States.

H. R. 14324. An act to amend section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the Judiciary," approved March 3, 1911, as heretofore amended.

H. R. 14309. An act to amend section 206 of the transportation act of 1920.

H. R. 14135. An act to amend an act approved September 8, 1916, providing for holding sessions of the United States district court in the district of Maine, and for other purposes.

H. R. 14082. An act to authorize the Valley Transfer Railway Co., a corporation, to construct and operate a line of railway in and upon the Fort Snelling Military Reservation, in the State of Minnesota.

H. R. 13998. An act making section 1535c of the Code of Law for the District of Columbia applicable to the municipal court of the District of Columbia, and for other purposes.

H. R. 13205. An act for the relief of the American Trust Co.

H. R. 13024. An act for the relief of August Nelson.

H. R. 13004. An act authorizing the Secretary of War to lease to the Kansas Electric Power Co., its successors and assigns, a certain tract of land in the military reservation at Fort Leavenworth.

H. R. 13612. An act authorizing the issuance of patent to the legal representatives of Miles J. Davis, deceased.

H. R. 14087. An act for the creation of an American Battle Monuments Commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4528. An act for the relief of the Kansas City, Mexico & Orient Railroad of Texas, Oklahoma, and Kansas.

THIRD DEFICIENCY BILL, 1923.

Mr. MADDEN. Mr. Speaker, I offer the following resolution.

The SPEAKER pro tempore. The gentleman from Illinois offers a resolution, which the Clerk will report.

The Clerk read as follows:

Mr. MADDEN moves to suspend the rules and pass the following:

"*Resolved*, That the bill H. R. 14408, with the amendments of the Senate thereto, be taken from the Speaker's table, that the Senate amendments thereto be disagreed to, that a conference be requested with the Senate on the disagreeing votes of the two Houses thereon, and that the Speaker pro tempore, without intervening motion, appoint the managers on the part of the House."

Mr. BLANTON. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. The gentleman from Texas demands a second.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Speaker, I reserve my time.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 20 minutes.

Mr. BLANTON. Mr. Speaker, it is a very peculiar situation when the chairman of the great Committee on Appropriations moves to suspend the rules and send to conference the eighth deficiency bill passed during the present Sixty-seventh Congress, involving $154,000,000 when it left the House—I think that was the sum. Since it left us there have been added to it hundreds of thousands of dollars more on items, many of which are legislative and on some of which at least this House has placed its condemnation. That is done; yet we can get no assurance whatever from the distinguished chairman in the closing hours of this Congress that we will be given another right to pass upon those questions.

We are the Representatives of the people, we Members of the House. We come directly from the people every two years. We are more directly responsible to the people in our districts than are our brethren at the other end of the Capitol. It is my colleagues here whom the people of this country hold chiefly responsible for the expenditure of public money. I want to ask you whether you are going to act blindly in this matter and send this bill to conference without some assurance that we will have the right finally to pass upon these new items in this measure?

Let me call your attention to one of the small items involved in this bill. You may say it involves only $117,000 for the building of a new conservatory in the Botanic Garden. If it involved only that I would not say a word. But there is a bigger question behind it than that. Through this amendment placed upon this bill some people in this District are seeking to remove the Botanic Garden from its present position and send it out to the outskirts of this city where land will be unloaded on the Government at an enormous price, yet not worth one-tenth of what they are asking for it; and you will destroy one of the beautiful features of Washington, because there are many tourists who come to Washington who have not the time to go out on the outskirts of the city to visit a Botanic Garden there.

In its present position they do have an opportunity to visit it, and they take advantage of it to go there and see the beautiful park, the flowers, and the plants and get valuable information from Superintendent Hess. That is the principle involved in this one minor amendment. Just as sure as this Congress adopts that Senate amendment, just so sure as the sun shines, that Botanical Garden is going to be moved. We are going to lose it. I am not in favor of it.

Now, you have given already to the fact-finding coal commission $200,000. You did that last October. You did it through the distinguished gentleman from Massachusetts [Mr. WINSLOW], a man for whom I have the greatest admiration. I believe, from my knowledge gained of him here since we have been in Congress together, that that legislation did not appeal to him personally, but he had to favor it under whip and spur, just like you have to do things when the administration demands it. Thus only last October you gave this coal commission $200,000 of the people's money. What benefit have the people derived from it? Oh, the gentleman from Massachusetts [Mr. ROGERS], when I objected to this coming up the other day, said it had been of great benefit in forcing the operators to adopt the wage scale, and that was for the benefit of the people.

I just got a telegram from a man in West Virginia whom I never saw and do not know. I asked some of his State delegation about him, and they say he is a substantial citizen of that State. I want to read the telegram to you, because he says what has been in my mind, and I think in the minds of the American people. The people of the country during this terrible winter, especially in New England and the Northwest, have been without adequate fuel. The poor people of Washington are paying $16.75 for their coal when they ought to get it for $10 a ton. Let me show you what the American people are thinking about this. Here is the telegram:

BECKLEY, W. VA., *March 2, 1923.*

Congressman BLANTON,
Washington, D. C.:

Have noticed your debate with Congressman ROGERS over further moneys to United States Coal Commission and Congressman ROGERS's statement "that this commission has already proven its worth by providing a wage settlement for another year in the bituminous industry." We wonder if it has ever occurred to Congressman ROGERS that by the interference of this coal commission last January there was fastened upon the American coal consumers a further extension for 12 months' time of the highest wage ever paid the bituminous coal miner; and inasmuch as 70 per cent of the cost of producing coal is in wages there is bound to be reflected on the American people a continuation of the present high price of coal. The United States Coal Commission has already placed a burden amounting to millions of dollars upon our people by their action in advising that the now very high wage scale be continued for another 12 months. Why should our Government provide additional funds to carry on this farce?

GEO. WOLFE.

Now, my colleagues, some of you remind me of the position which the gentleman from Massachusetts [Mr. UNDERHILL] took a few hours ago. He said he was in favor of passing a law that on the 4th of March next all the new Congressmen and others should begin traveling over the United States on the people's money to learn things. He said that it would make them broader; he said that it would give them broader vision, make them broader men so that they would not vote for their localities against the interest of the whole people.

Then I picked up yesterday's RECORD and noticed that when the rural credit bill came up which affects every farmer in the United States, out of a delegation of 16 men in Massachusetts, there were but 2 who voted for that general measure. Two votes only for it from Massachusetts. Mr. UNDERHILL's name was with the bunch who voted against that general measure. He said he had traveled down the Mississippi Valley, intimating that it was at Government expense, and that he had been broadened by it. [Laughter.] I want to say to my friends that since

1906 I have made seven visits to the city of Boston, but not at public expense and for every time not a dollar came from the Government.

I believe in traveling and so do the Texas people, but the Texas people believe that when they travel they ought to pay their own expenses. The Texas people believe that instead of giving $600,000 to the coal fact-finding commission they would rather have some definite step taken that will see to it that next winter they will not be compelled to pay $16.75 for coal. That is what the Texas people are interested in.

You say you do not want to stop this work. You say you want the facts. I will tell you what you want to do—possibly the Democrats have been partly responsible for the necessity of this action. In the last election we had no business to make so many lame ducks in this Congress. We are partly to blame, because it seems to be the policy of the present administration to give a fat job to every man who is retiring. So that you see we Democrats are possibly partly to blame.

Mr. Speaker, how much time have I consumed?

The SPEAKER pro tempore. The gentleman has nine minutes remaining.

Mr. BLANTON. Mr. Speaker, I yield four minutes to the gentleman from West Virginia [Mr. GOODYKOONTZ].

Mr. GOODYKOONTZ. Mr. Speaker and Members of the House, when the bill creating the fact-finding commission was before the House, the Representatives in Congress from my State, while not believing that any good would ever come out of the proposition, felt that since a great many people believed in commissions and that in order to remedy a bad situation all that was necessary was to appoint a commission—since the people were taking that view of the matter the solid delegation in the House from West Virginia, a great coal-producing State, voted as a unit for the bill. The bill provided an authorization of $200,000 to carry on the work. Now they tell us that the fund has been exhausted, and they are demanding $400,000 more, and by a bill for an enabling act, which will come before the House this afternoon, they propose to extend the life of the commission. So that the object now is to extend the life of the commission until long after the next Congress meets and then no doubt they will seek to perpetuate the body indefinitely

The commission is costing the coal industry millions of dollars. A coal operator in my State has informed me that the coal commission had demanded of his company copies of a record so great in volume that the company had to send off to a neighboring city to get a photographer to figure on the cost of making the necessary photographic copies of the record.

The estimate that the photographer made was that the cost of making the copies would amount to $28,000. The commission demands that the operator go back for years and years and copy the pay rolls, go through old books of accounts, and bring over here a complete exhibit. Why is that being done? Because there is a man on this commission who once had something to do with the Federal Trade Commission, which latter concern does nothing but gather and pile up useless data. One of the things the coal commission proposes to do is to inquire into the titles of coal mines—as to "the ownership and title of the mines." I presume they will want to employ a battery of a thousand or more lawyers to search out all of the titles of the mine holders in the country. Are we going to stand for that sort of thing, we men of the majority who are pledged to economy and to the observance of the mandate of the law of the Budget? Are we going to provide permanent jobs for these people so that they may install themselves in nice comfortable places where they can employ themselves leisurely? When the vernal breezes begin to blow and the ice goes off the Great Lakes in the North, when coal shall be selling cheap, then the members of the commission will come forward and proclaim what a wonderful work they had accomplished, when as a matter of fact all that they have accomplished thus far is the fastening onto the people of the country for another year coal at prices as high as any that have heretofore prevailed in this country.

Mr. BLANTON. Mr. Speaker, the last sentence of the telegram I was reading when my colleague became facetious shows that this citizen wanted to know why all of this expense should be foisted on the American taxpayer when there was no benefit to be derived from it.

Mr. COOPER of Ohio. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. COOPER of Ohio. Does the gentleman know why this coal operator does not want an investigation of the whole coal business?

Mr. BLANTON. I do not know that, but I do know this: The gentleman says that he is a coal operator. He knows more about it than I do. If he is a coal operator, I know this, that the coal operators and the coal miners have been playing this game together for 25 years, and they have been grinding the consumers between the upper and the nether millstones until they can hardly pay their taxes.

Mr. MADDEN. And now the gentleman wants to stop an investigation of that situation.

Mr. BLANTON. Oh, if I had not been in this House for six years and watched investigations, if I had not read the reports that the distinguished special committee on investigation made in the Bergdoll case, I might take some stock in these things, but in that particular case we found out how much money it cost the Government, and then, besides, I have watched for the distinguished gentleman from Illinois [Mr. MADDEN] and the rest of his leaders, the gentleman from Wyoming [Mr. MONDELL] and the gentleman from Kansas [Mr. CAMPBELL] and the balance of you to call up that report, and I know that they have all left that report sleep solemnly in a pigeonhole for months and months, although that select committee asked the Congress to take some action against the men who were responsible for Bergdoll's release, but not a single thing has ever been done about that report. I have watched them until I have become discouraged. I have never seen a fact-finding commission yet in the six years that I have been here that has ever brought a penny of benefit to the tax-paying people of the country, and that is why I am against your $600,000 fact-finding coal commission. It brings no relief.

This special select committee to investigate Bergdoll cost the Government $6,441.85. The special select committee presided over by the gentleman from Massachusetts [Mr. WALSH] with its trip to the Pacific coast cost the Government $43,969.04. The special select committee presided over by the gentleman from Illinois [Mr. GRAHAM] cost the Government $157,109.91. The Special Select Agricultural Committee in its travels over the United States cost the Government $10,913.21 for the House portion alone. And when I get time I will show how useless they have been.

Just as that fellow said from West Virginia, the operators under the rule of this commission have had to pay the highest wage scale known in the history of this country for the next 12 months, and the people, the poor people of this Nation, have to bear the burden and the consequences. If they get coal at all they have to pay prices that a poor man can not pay, and if they had the money right now they could not get the coal. I am a Member of Congress, and I have good credit, but I have not got a hundred pounds of coal in my cellar to-day, and if a blizzard should come to-morrow I would have a hard time possibly getting coal unless I could borrow it from my neighbors. This coal commission has not done one cent of good. I am against spending $600,000 of the people's money in keeping Federal patronage officeholders in fat jobs for the next two years.

Mr. MADDEN. This commission is not going to exist for two years.

Mr. BLANTON. I am but following the footsteps once set by my distinguished colleague from Illinois [Mr. MADDEN], because what I know about economy I learned from him four years ago. However, he has forgotten it all in the last four years while I have not, and still remembering the lesson that I learned from him I endeavor to practice it. Since the gentleman has been elevated to the chairmanship of this great committee he has been placed, unfortunately for the people of the country, where he can not carry on the fights for economy that he used to carry on. I follow like one of his shadows in the House and I am trying to do what he can not do; I am trying to do what he used to do, but which, by reason of present environment, he is kept from doing now. Somebody must do it, some Republicans and some Democrats, if we are to save this Government from bankruptcy. I hope you will not send this bill to conference until we have had an assurance from the gentleman from Illinois [Mr. MADDEN] that he is going to give us a chance to vote for every single item in the bill of any consequence which the House has not passed on heretofore.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. MADDEN. Mr. Speaker, I ask for a vote.

The SPEAKER pro tempore. The question is on agreeing to the resolution offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 197, noes 6.

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The SPEAKER pro tempore appointed the following conferees:

Mr. MADDEN, Mr. ANTHONY, and Mr. BYRNS of Tennessee.

COAL FACT-FINDING COMMISSION.

Mr. WINSLOW. Mr. Speaker, I move to suspend the rules and pass the bill S. 4160, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the first paragraph of the act of Congress entitled "An act to establish a commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes," approved September 22, 1922, is amended to read as follows:

"That for the purpose of securing information in connection with questions relative to interstate commerce in coal and all questions and problems arising out of and connected with the coal industry, there is hereby established a governmental agency to be known and designated as the United States Coal Commission, to be composed of not more than seven members appointed by the President of the United States, by and with the advice and consent of the Senate. Judges of courts of the United States shall be eligible for appointment as members of the commission, and the appointment, qualification, and service of a judge as member shall in no wise affect or impair his tenure as judge. No member of the United States Senate or of the House of Representatives shall be eligible to serve on said commission. Said commission shall elect a chairman by majority vote of its members and shall maintain central offices in the District of Columbia, but may, whenever it deems it necessary, meet at such other place as it may determine. A member of the commission may be removed by the President for neglect of duty or malfeasance in office but for no other cause. Each member of said commission shall receive a salary of $7,500 a year, except that if a judge of any court of the United States serves as a member of the commission, he shall continue to receive only his salary as judge, and shall receive no salary as a member of the commission, but any such judge hereafter serving as a member of the commission, or who has heretofore under appointment by the President served on or advised with the commission, shall be allowed for his necessary expenses of travel and reasonable expenses of maintenance while necessarily away from his place of official residence as judge and in the service of the commission, the same amount, and upon like certificate, as is by law allowed circuit and district judges of the United States when transacting official business at places other than their place of official residence as judge, such payment to be paid out of any appropriation for said commission. Any vacancy on the commission shall be filled in the same manner as the original appointment. Said commission shall cease to exist one year after taking effect of this act."

SEC. 2. That such act of September 22, 1922, is amended by adding after the fourteenth paragraph thereof the following:

"That the commission or any officer, employee, or agent thereof may prepare and submit to and require to be answered by any person written questions of fact concerning any of the matters which by this act the commission is empowered or directed to investigate, and such person shall thereupon answer fully and in good faith any and all questions so propounded. Such answers shall be in writing and shall be verified by oath of the persons making them and shall be returned to the commission or its officer or agent within the time which the commission or any officer or agent thereof may prescribe. The oath may be taken before any member of the commission or any officer or agent of the commission by it duly authorized, or before any officer authorized to administer oaths either by the laws of the United States or the laws of the State in which verification is made, but when taken before a notary or other State officer such oath shall be certified under the hand and official seal of such officer."

SEC. 3. That the seventeenth paragraph of such act of September 22, 1922, is amended to read as follows:

"That any person who shall willfully neglect or refuse to attend and testify or depose, or to produce or permit access to any book, account, record, document, correspondence, paper, or other evidence, or to answer any written questions propounded by the commission or any officer or agent thereof, as herein provided for, and any person who shall willfully give false testimony in respect of any matter or thing under investigation by the commission, or shall make or cause to be made any false entry or statement of fact in any written answer or report called for by the commission or any officer or agent thereof, and any person who shall make or cause to be made any false entry or statement of fact in any book, account, record, document, correspondence, paper, or other evidence, with intent to deceive the commission or any officer or agent thereof, shall be guilty of an offense and upon conviction thereof be punished by a fine of not more than $5,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

"That in case of disobedience to any subpœna issued by the commission or any member thereof, or of refusal or neglect to testify fully and freely concerning any matter or thing under investigation by the commission, or of refusal to make written answer to any question propounded by the commission or any officer or agent thereof, or of refusal to permit access to any book, account, record, document, correspondence, paper, or other evidence, by any person, the commission may invoke the aid of the district court of the United States for the district in which such person resides, in requiring obedience to its process, orders, and requests; and the several district courts of the United States are hereby invested with jurisdiction in case of such contumacy or refusal to obey the process, orders, and requests of the commission to issue an order requiring compliance therewith. Any failure to obey such order of the court may be punished by the court as a contempt thereof."

SEC. 4. That the last paragraph of such act of September 22, 1922, is amended to read as follows:

"There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $600,000, or so much thereof as may be necessary, to be available until expended, for carrying out the provisions of this act."

The SPEAKER pro tempore. Is a second demanded?

Mr. BANKHEAD. Mr. Speaker, I demand a second.

Mr. WINSLOW. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts is entitled to 20 minutes, and the gentleman from Alabama to 20 minutes.

Mr. WINSLOW. Mr. Speaker, I yield seven minutes to the gentleman from California [Mr. LEA], a member of the committee.

Mr. LEA of California. Mr. Speaker, it seems to me that the experiences of millions of coal consumers in the United States during the past 12 months should assure this bill an earnest and friendly consideration by the House. Before attempting to explain the proposed amendments embodied in this bill, I desire to say, contrary to what has been asserted here, there is no provision extending the life of the commission appointed last fall.

The first amendment proposed is in section 1 which makes judges of the Federal courts of the United States eligible for appointment to membership on the commission. The existing law prohibits the appointment of any judge to such a position as this where his salary exceeds $2,000 a year unless the appointment is specifically authorized by law. So this section specifically authorizes the appointment of a Federal judge. Judge Alschuler, appointed to the Federal court under President Wilson, was appointed a member of this commission. Then the legal objection was raised which prohibited his serving. The adoption of this amendment would permit the continuation of Judge Alschuler as a member of this commission.

In the second place this bill provides for a questionnaire to be sent out to persons having information concerning matters under investigation requiring them to return to the coal commission under oath answers in writing in response to any questions so submitted. There are in the United States 8,000 coal mines. It is utterly impossible to take a deposition from each of those coal-mining concerns. Therefore, this questionnaire is considered important in order to make the information secured by the commission comprehensive, complete, and reliable.

Section 3 provides for two things fundamentally. The first part of the section makes it a crime to refuse to furnish testimony required by the commission, whether by oral or written testimony. The latter part of section 3 makes it a criminal offense to give false testimony in reference to the questions submitted by the coal commission. These provisions are not essentially new or novel. Provisions much the same in substance are found in the Federal Trade Commission act, the Tariff Commission act, and in the interstate commerce act.

The last paragraph in the original bill on page 5 simply makes the Federal courts available for the commission in order to invoke their aid to compel the production of testimony and enforce obedience to the subpœnas of the coal commission.

The final proposal in this bill is section 4, which amends the last paragraph of the existing law by providing that the commission shall be authorized to expend $600,000 for the purpose of carrying on the investigation instead of the sum of $200,000 originally authorized. That is the most important of these proposed amendments. I want to call to the serious attention of the House a few things in this connection. In the first place we have already crossed the bridge as to whether or not there shall be an investigation. The investigation has been authorized and it is now being conducted. In the second place, I can say without reservation that the President appointed a commission of well-known men of the highest character and intelligence. No one that I know of in the slightest degree familiar with the reputation of those splendid members of the coal commission doubts their ability or their sincerity of purpose. Those men regard the additional funds vital to the success of the investigation.

The coal industry of this country involves an investment of over $2,000,000,000. In includes 8,000 mines. We have coal enough in this country to supply the necessary wants of the consumer for 3,000 or 4,000 years to come. Nevertheless, for months people in homes have suffered for lack of sufficient coal to keep them warm. Although prices are extortionate they are still unable to get the coal required for ordinary domestic and commercial purposes.

The SPEAKER. The time of the gentleman has expired.

Mr. LEA of California. May I have two minutes additional?

Mr. WINSLOW. I yield the gentleman two additional minutes.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. LEA of California. I will.

Mr. JOHNSON of Washington. I have not been able to get a copy of the bill, and I would like to have the gentleman inform me if this measure carries a provision to the effect that questionnaires can be sent out to operators and others and, if they do not give evidence, they can be sent to prison?

Mr. LEA of California. It does.

Mr. JOHNSON of Washington. Is not that carrying it a little too far?

Mr. LEA of California. It is a drastic provision but not more so than similar provisions in the Federal Trade Commission and interstate commerce acts.

Mr. LONDON. Will the gentleman yield?

Mr. LEA of California. I will.

Mr. LONDON. I understand that an injunction has been obtained by some of these dealers or coal operators restraining this commission from proceeding under the act of September 22. Am I mistaken about that?

Mr. WINSLOW. Not so far as I know.

Mr. LEA of California. I have no knowledge of such a proceeding. As a matter of fact, the commission is busily engaged at the present time in securing the information authorized.

Mr. LONDON. The object of this amendment is to fortify the commission——

Mr. LEA of California. The object is to make this investigation effective. In substance we propose to confer upon it powers such as the Federal Trade Commission now exercises in order to make this investigation effective.

Mr. LONDON. It is not to meet any objection raised by the court?

Mr. LEA of California. No.

Mr. BANKHEAD. If the gentleman will permit, how long has it been since the Federal Trade Commission went into an extended examination of this whole question?

Mr. LEA of California. The Federal Trade Commission investigated within recent years. But as to the question of whether we shall investigate, Congress has already crossed that bridge. That question is now behind us, and having authorized the investigation we ought to stand behind it by giving the commission the powers and funds necessary to make its work thorough and useful.

The duties imposed upon the commission are very great. It is to deal with questions involving countless details and of monumental importance. The commission is charged with the duty of presenting the facts and recommending a solution for one of the greatest unsolved problems of our country—the problem of supply and prices of coal. The amount asked is comparatively small. Six hundred thousand dollars is a small sum compared to nearly 500,000,000 tons of coal annually consumed in the homes, factories, and in transportation in this country.

Mr. BLANTON. Mr. Speaker, I renew the request I made a moment ago to extend my remarks.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The extension of remarks referred to is here printed in full as follows:

Mr. BLANTON. Mr. Speaker, I have secured this permission from the House to extend my remarks in order to discuss the report filed by the special select committee on the escape of the notorious draft dodger, Grover Cleveland Bergdoll.

On April 18, 1921, the House of Representatives adopted House Resolution No. 12, creating this select committee, granting it clerical and legal help, authorizing it to administer oaths, summon and compel the attendance of witnesses, and the production of documents, and instructing said committee to report its findings to the House "at the earliest possible date," and to make to the House "such recommendations as it shall deem pertinent and advisable."

Four months thereafter, to wit, on August 18, 1921, said committee filed with the House and had printed their report, signed by a majority of said committee, BEN JOHNSON, O. R. LUHRING, and H. D. FLOOD, same being Report No. 354, first session, Sixty-seventh Congress, which report, with the recommendations of the committee therein, was referred to the House Calendar on August 18, 1921.

This is March 2, 1923. Nineteen months and twelve days have gone by since said committee made its recommendations, and at no time has the majority steering committee ever made any attempt to have the report called up or any action taken on said recommendations.

This special committee spent $6,441.85 of the people's money out of the Treasury in making this investigation, and after appropriating and spending this large sum, the majority party, having absolute control of all legislative matters, seems to have lost all interest in the matter and buried the report in a pigeonhole.

This is such an important case that I want to call attention to the salient facts as reported found by the committee.

Bergdoll is now under 30 years of age and was subject to draft. He evaded same and became a slacker and fugitive for more than 18 months, and from different points in the United States frequently sent taunting and defiant letters to the highest authorities of our Government.

After the armistice Grover C. Bergdoll returned to his home in Philadelphia and for several weeks hid out in four or five residences in and near Philadelphia. On the morning of January 7, 1920, officers surrounded all of these residences. When they went to the Bergdoll residence his mother refused them admittance, although they told her they had a search warrant. Finally, after wasting much time, an officer shot into the door lock with his pistol, and upon opening the door Mrs. Bergdoll with an automatic pistol confronted the officers. When about to leave, after searching the house without success, an officer raised the top of a window seat and found Grover C. Bergdoll concealed there.

Bergdoll was handcuffed to one officer, the key to the handcuffs being carried by another officer, and thus he was sent to the Government military disciplinary prison on Governors Island, in charge of Maj. John E. Hunt. In due time Bergdoll was tried, convicted, and sentenced to five years' imprisonment for violating the draft laws.

Under usual circumstances he would have been sent immediately to Fort Leavenworth, Kans., to serve his term there in the Federal penitentiary. But he was not sent. Under one pretext and another it was deferred.

On May 20, 1920, he was permitted to leave the prison at Governors Island, dressed in Army uniform, accompanied by a guard of two sergeants, for the alleged purpose of going into the mountains of western Maryland to secure something more than $100,000 in gold which he claimed to have buried there. When he reached Philadelphia on that pretended mission he made his escape, drove through the country in an automobile, accompanied by one Ike Stecker, to the Canadian line, and then went to Winnipeg, Canada, and by false representations secured passports upon which they went to London, thence to Paris, and then into Germany.

Concerning the details of this remarkable transaction, let me quote from the committee report, as follows:

Shortly after Bergdoll's incarceration at Governors Island it was urged that he was of unsound mind; and, therefore, should be released. However, he was declared to be of sound mind.

Next, habeas corpus proceedings were instituted for the purpose of securing his release. The writ of habeas corpus failed to bring his release. Having been convicted, and both the insanity plea and the habeas corpus proceedings having failed, some other means of securing his escape had to be resorted to.

Until that time D. C. Gibboney, of Philadelphia, was chief counsel for Bergdoll. It is generally conceded that Gibboney was not much of a lawyer, but more of a practical manager for better lawyers. It is in evidence, and undisputed, that Gibboney, representing Bergdoll, sought to employ Judge John W. Westcott, a very eminent New Jersey lawyer. Westcott denies vigorously that he ever accepted the employment; while Gen. Samuel Tilden Ansell and his partner, Edward S. Bailey, testified emphatically to the contrary.

It is admitted that Judge Westcott wrote a letter to the Secretary of War, stating that he (Westcott) was "enormously" interested in Bergdoll's court-martial trial and would be glad to have the Secretary of War give his personal attention to the case. The Secretary of War courteously replied, but said that the case had not come to his personal attention, and would not unless it reached him through the regular course of business.

It is also admitted that upon a certain occasion Gibboney gave Judge Westcott a $1,000 bill in payment of "a" fee. Judge Westcott denied that it was in payment of any fee on account of any employment by Bergdoll, stating that it was in payment of other employments.

Mrs. Bergdoll testified that at one time she paid Gibboney $10,000 in currency. While she would not state that she ever gave Gibboney a $1,000 bill, she did state that she kept large sums of money in her house, and that upon different occasions she had had many $1,000 bills. Putting those circumstances together it is possible that the $1,000 bill which Judge Westcott received was paid to Gibboney by Mrs. Bergdoll and then by Gibboney to Judge Westcott, but not necessarily on account of Bergdoll.

After Bergdoll had finally escaped and had fled the country, the grand jury was about to meet in Philadelphia for the purpose of returning indictments against all those engaged in the conspiracy through which Bergdoll escaped. Either just prior to the meeting of the grand jury or during their sittings, Judge Westcott wrote a letter to the Attorney General of the United States, confidently expressing the opinion that Gibboney was as innocent of any part in the conspiracy as an unborn child.

That letter was forwarded by the Attorney General to the district attorney at Philadelphia. Gibboney was not indicted.

The law firm of Ansell & Bailey was employed in April, 1920, by Gibboney to represent Bergdoll in an effort to have the court-martial conviction reversed or set aside.

As already stated, both Ansell and Bailey testified that Westcott was cocounsel, but only in "an advisory capacity," or as "advisor of Mr. Gibboney." General Ansell fell out with Judge Westcott over this question and quit speaking to him because of differences in their statements concerning it. But their falling out has nothing to do with the real issue in the case. Westcott contended for none of Ansell's fee. He merely declined to claim any of the honors (?) accompanying the victory won, not through the courts but through the gold-hunting expedition.

For the purposes of this investigation it is not deemed important whether Judge Westcott was a regularly employed and paid counsel for Bergdoll or whether as a friend to Gibboney he merely was counseling him. But it can not be disputed that he was acting in either

one or the other of those capacities. Neither is it considered important whether General Ansell knew in which of these two capacities Judge Westcott was acting, as General Ansell could have made and did make the same use of Judge Westcott regardless of the capacity in which he was acting.

It is interesting to know that General Ansell until a short time before his employment in the Bergdoll case had been an officer in the Regular Army of the United States for about 25 years, and that during the war he was the next officer in authority to General Crowder, the Judge Advocate General. However, during the war General Crowder was more directly concerned and employed in preparing and executing the draft law, thus virtually leaving General Ansell as the Judge Advocate General.

At the time above indicated General Ansell resigned from the Army and associated himself with the law firm of Ansell & Bailey, making a specialty of military law.

Somebody conceived the idea of concentrating Gibboney's cunning and energy, Westcott's influence with the then administration, and Ansell's standing with the Army officials into one general scheme of defense or escape. Each of these three agencies—purposely or unwittingly—was effectively and concertedly at work at the same time on either one or both of these two propositions.

It was known to Gibboney, Westcott, and Ansell that during the preceding October and November Mrs. Emma C. Bergdoll, the mother of the draft dodger, had in full compliance with law exchanged $105,000 in currency for that amount in gold at the Treasury of the United States, which gold she claims to have buried. It must be that the mind of one or more of the attorneys just mentioned turned to Mrs. Bergdoll's alleged buried gold and upon that story built the one to which reference is made in a letter sent by General Ansell to Adjutant General Harris, dated Tuesday, May 11, 1920. That story was not used by any of the Bergdoll attorneys, nor did it have any semblance of plausibility until General Ansell was employed in the case, nor until it had been colored and recolored by his fertile imagination.

It is admitted that General Ansell called upon Adjutant General Harris in the afternoon of May 11, 1920, and that later that afternoon at his office dictated a letter to Adjutant General Harris relative to the conversation which they had just had about Bergdoll's release. That letter, as dictated, seems not to have been sufficiently strong for General Ansell's purposes. Consequently he directed Miss Sisson, his stenographer, not to typewrite the letter until the next morning. General Ansell that night at his home, with lead pencil, wrote out another letter. Next morning that was typewritten by Miss Sisson, signed by General Ansell—not by the firm of Ansell & Bailey—and sent to The Adjuant General.

Miss Sisson, the stenographer, preserved her shorthand notes of the letter dictated on the afternoon of May 11, 1920. That letter was not sent. In her testimony before the committee she read those notes and reduced them to typewritten copy, reading as follows:

"MAY 11, 1920.

"MY DEAR GENERAL HARRIS: I wish to confirm, in this informal way, the statement I made to you a few moments ago orally in support of the request that I am making of you and the Secretary of War. I am counsel for Grover Cleveland Bergdoll, a so-called draft deserter, now in imprisonment at Fort Jay pending the review of his case by the War Department. Bergdoll is represented in Philadelphia by Mr. D. C. Gibboney, a gentleman of the highest standing in that city and a lawyer of unquestioned probity. Judge Wescott, formerly attorney general of New Jersey, and who doubtless is well and favorably known to Mr. Baker, is a consulting counsel in the case and adviser of Mr. Gibboney.

"Last Friday Mr. Gibboney, accompanied by Judge Wescott, came to my office and conferred with me about a situation concerning young Bergdoll's property, which was so strange that the truth of it, under normal circumstances, would hardly justify belief. In view of the fact that Mr. Gibboney believes Bergdoll's statement to be true, and in view of the numerous circumstances tending to support it, I myself believed it to be credible and such as to justify counsel in making of the department this present request.

"This young man has unquestionably inherited a very considerable property from his father. He has not heretofore developed that sense of responsibility required for the care and proper use of a large sum of money. I understand that the control and influence of his mother have not tended to the development of an adequate sense of responsibility in such matters. I am advised also that there have been family difficulties which seem to have produced a desire in this young man to get a physical control over his property, ungoverned by the other members of the family.

"The motive for his action was probably complex and not easily understood, but I am advised that at different times he took two large sums of money in gold coin and placed them in large metal containers; one, I am advised, he left with some person in western Maryland. This has been recovered. The other, Bergdoll states, he took, all alone, and buried it in an out-of-the-way place on some mountain side, at a place within a day's railway travel from this city. This sum amounts to about $150,000 gold coin. He is quite unable to direct Mr. Gibboney or me how to find it, and of course, assuming his statement to be true, it can be found only by him in person. He is now thoroughly perturbed with the apprehension that he may never recover it, and is intensely anxious to be permitted to go with counsel and under guard to find it. He wishes to recover it and turn it over to some proper custodian for safe-keeping and investment.

"And such is my request. Upon all the facts before me, it seemed entirely reasonable to me, and so it seemed to you. I hope and believe it will seem so to the Secretary. I do not desire to ask the privilege, but only that which is necessary for this man to conserve what is his. There can be no danger of escape. The department will, of course, send such guard as it sees fit, and all expenses will be borne by us. In addition, I shall hold myself, as counsel, responsible for the safe return of this prisoner to his place of confinement and that no advantage will be taken of such leave as is granted other than that which is the object of this request.

"May I ask that this communication, for the time being, will be kept within the knowledge of you and the Secretary alone, and may I ask you to take it up at your very earliest convenience with Mr. Baker and let me know the result?

"With very kindest regards, I am,

"Very sincerely yours."

The general tenor of the above letter, which was not sent to General Harris, should, by all means, be compared with the one which was sketched out that night with lead pencil, and which was sent the next day to General Harris. The changes made were most adroit and clever; were not authorized by other counsel in the case whose names were used; in some instances, were not warranted by the facts.

The letter actually sent reads as follows:

ANSELL & BAILEY, ATTORNEYS AT LAW,
Suite 710–712 Riggs Building, Washington, D. C., May 11, 1920.

MY DEAR GENERAL HARRIS: Please permit me, in compliance with your helpful suggestion of a moment ago, to place before you in this manner my request, concerning which I have just spoken to you, in behalf of Grover Cleveland Bergdoll, together with a brief statement of the reasons therefor.

This man, in virtue of his conviction and sentence as a so-called "draft deserter" is now imprisoned at Fort Jay, pending the review of his trial by the War Department. I am his attorney. His home counsel in Philadelphia is Mr. D. C. Gibboney, of unexcelled repute as a man and a lawyer. Of counsel, also, in a consulting capacity, is Judge Westcott, of New Jersey, whom doubtless the Secretary well knows. These gentlemen visited me last Friday and related to me a situation which we believe to be true and which impels us to submit this request.

This young man was reared fatherless under family conditions, which, even when partially revealed, throw considerable light upon conduct of his that, to say the least, is strange if not unintelligible. From his father he inherited wealth. Apprehending the family desire to control his share, he at times has openly submitted and at others has become secretive of his wealth. This latter perhaps is the most influential of the many complex motives for his actions in the instance I now speak of. In any event, it is now known that he did secrete one large sum of money which was recovered a year or so ago. He now declares that he also hid a second large sum, the remainder of his fortune ($150,000) in a lonely spot on a mountainside, distant about a day's journey from this city; that he placed the gold coin in a metallic container and took it himself, unaccompanied, and hid it in a spot which he alone can identify. Circumstances indicate the truth of his statement.

He is now wrought up with fear and anxiety lest he may never recover the money, and accordingly earnestly asks me, other counsel joining him, to endeavor to arrange it that he may go, under guard and with his counsel, to recover the money and place it in safe-keeping; all expense to be borne by us.

We are requesting no privilege—only the necessary liberty of action, under guard. This prisoner has no desire to escape, nor could he if he wanted to. Notwithstanding the guard, as his counsel, I stand responsible for his prompt return to prison without advantage to him other than that involved in the object of this request.

I hope this request may be granted immediately. It seems reasonable and right to me, and also to you, and I hope—and doubt not—that it will seem so to the Secretary.

May I ask prompt action upon this request? May I also ask that, if possible, knowledge of the contents of this communication, for obvious reasons, be confined to you and the Secretary, and further that you notify me personally at the first practicable moment after you have decided upon this request?

With kind regards for your many courtesies, I am,

Sincerely,

S. T. ANSELL.

The purpose of these changes is obvious when the two papers are compared and the end to be accomplished considered.

In the first sentence of the letter which was not sent, and which afterwards was pruned and put into more seductive form, he made the request of both General Harris "and" the Secretary of War; while the letter which was actually sent used this language:

"It seems reasonable and right to me, and also to you, and I hope—and doubt not—that it will seem so to the Secretary."

If the letter had been sent as first written, it would have been necessary that the request go to the Secretary of War. The second letter—the one that was sent—merely expressed the hope that the request might seem reasonable to the Secretary, but omitted the specific request that the matter be referred to the Secretary.

Another sentence in the letter which was not sent reads as follows:

"Judge Westcott, formerly attorney general of New Jersey, and who doubtless is well and favorably known to Mr. Baker, is a consulting counsel in the case and advisor of Mr. Gibboney."

That sentence was changed to read as follows in the letter that was sent:

"His home counsel in Philadelphia is Mr. D. C. Gibboney, of unexcelled repute as a man and a lawyer. Of counsel also, in a consulting capacity, is Judge Westcott, of New Jersey, whom doubtless the Secretary well knows.'

General Ansell is a man of extraordinary native ability, wonderfully improved by training and education. No man better knows the exact use of words and their effect than does he. The conclusion is irresistible that General Ansell was then using with emphasis the name of Judge Westcott to bring influence to bear upon the Secretary of War, should the communication ever reach him; and, just as certainly, to bring to bear additional influence with General Harris.

Also, in the letter first dictated, he said that Judge Westcott was "advisor of Mr. Gibboney." That expression or assertion is left out of the letter which was sent. Is it possible that General Ansell, even at that time, was giving more or less thought, with the view of later dividing responsibility, to the attitude of nonemployment which Judge Westcott assumed? Westcott admitted that he "advised" with Gibboney, but denied that he was employed by Bergdoll, and there is no contradictory proof.

In the letter which was not sent General Ansell used this language:

"Last Friday Mr. Gibboney, accompanied by Judge Westcott, came to my office and conferred with me about a situation concerning young Bergdoll's property, which was so strange that the truth of it, under normal circumstances, would hardly justify belief."

Upon consideration by General Ansell that language must have appeared too strong. No doubt he was apprehensive that that language might raise with General Harris a question as to the plausibility of the whole story. In that language General Ansell stated, in substance, that Gibboney and Westcott had conferred with him about a situation which "would hardly justify belief." So, if the story about which Ansell, Gibboney, and Westcott "conferred" would "hardly justify belief," it must be changed, if General Harris was expected to accept and act upon it. Then General Ansell's statement was changed into being such a plausible one that all of them—including Ansell—believed the story; and, in consequence, were "impelled" to make the request.

The changed or altered statement reads as follows:

"These gentlemen visited me last Friday and related to me a situation which we believe to be true and which impels us to submit this request."

When General Ansell dictated the statement that "would hardly justify belief," that statement being the result of a conference with Gibboney and Westcott, one must wonder whether or not those two gentlemen, or either of them, consented to the change from lack of belief to one so certain that they were "impelled" by it to ask for Bergdoll's release. It is a self-evident fact—the others not being in Washington—that Ansell made the change without consulting the others. He attributed to each of them a "belief" which, perhaps, neither entertained. In the first draft it is not stated that either believed the story, but in the second all are represented as believers in it.

It is interesting to note the reasons assigned by General Ansell for the burial of the gold. In the letter not sent, he uses this language:

"This young man has unquestionably inherited a very considerable property from his father. He has not heretofore developed that sense of responsibility required for the care and proper use of a large sum of money. I understand that the control and influence of his mother have not tended to the development of an adequate sense of responsibility in such matters. I am advised also that there have been family difficulties which seem to have produced a desire in this young man to get a physical control over his property, ungoverned by the other members of the family."

In the letter actually sent to General Harris, General Ansell gave the following as an explanation of the unusual conduct of Grover Bergdoll:

"This young man was reared fatherless under family conditions, which, even when partially revealed, throw considerable light upon conduct of his that, to say the least, is strange if not unintelligible. From his father he inherited wealth. Apprehending the family desire to control his share, he at times has openly submitted and at others has become secretive of his wealth. This latter, perhaps, is the most influential of the many complex motives of his action in the instance I now speak of."

In the letter not sent General Ansell speaks of certain vague "family difficulties," which "seem" to have caused Bergdoll to desire a physical control of his property. These paragraphs clearly illustrate the difficulties, which even the astute mind of Ansell could not overcome, in giving adequate and sufficient explanation of the motives which prompted Bergdoll to bury the gold. Some excuse for this conduct had to be given, and the labored efforts of Ansell have only tended to make confusion worse confounded.

The letter which was not sent used the language: "There can be no danger of escape." That was changed in the letter which was sent to: "This prisoner has no desire to escape." That change makes the statement stronger to General Harris, and also lays the foundation for denial of personal responsibility in the future for counsel not attending the expedition.

It should be noted that General Ansell did not merely express the opinion that the "prisoner has no desire to escape." Instead, he made the unqualified statement to that effect. How did he know the prisoner had no desire to escape? According to his own admissions he then had had no communication with the prisoner, relative to the expedition for the buried gold; and, consequently, no direct information upon which to base that statement as fact. It may be that the other attorneys who consulted with General Ansell about the release to get the alleged buried gold, agreed to that statement that "there can be no danger of escape"; but it is possible, at least, that they would not have approved the statement as fact that Bergdoll had "no desire to escape." The former statement, no doubt, was based on the then, but afterwards violated, arrangement that one of counsel was to accompany the expedition; that the prisoner was to be handcuffed; that a commissioned officer was to go along and that the guard was to be both ample and properly instructed.

The first proposition, accompanied by the foregoing considerations, is quite different from the one that "the prisoner has no desire to escape," especially since each and every one of the conditions just related were to be utterly disregarded.

It is going a long way for one of the counsel to make such a wide departure from the original statement without having the approval of the counsel whose names were used in the communication conveying the changed representations.

In the letter which was sent there is something that does not appear in the one which was not sent. That language is this:

"He (Bergdoll) is now wrought with fear and anxiety lest he may not recover the money, and accordingly earnestly asked me (Ansell), other counsel joining him, to endeavor to arrange it that he (Bergdoll) may go, under guard and with his counsel, to recover the money and place it in safe-keeping; all expenses to be borne by us."

When it is considered that General Ansell stated that he had no communication with Bergdoll after he saw him at Governors Island on April 17, when, according to General Ansell, no mention was made of the proposed search for the buried gold, was very remarkable, to say the least.

It will be noticed that General Ansell says in the above quotation that Bergdoll earnestly asks him to endeavor to arrange it so that he (Bergdoll) may go, under guard and with his consent, to recover the alleged buried gold.

If at that time General Ansell had had "no communication" with Bergdoll relative to the matter, how is it possible that Bergdoll so "earnestly" made that request of him? General Ansell can not claim that that request was conveyed to him through either Gibboney or Westcott, for the reason that he himself says in the above-quoted paragraph that the request was made by Bergdoll, "other counsel joining him" in the request. Nothing of that sort was said in the letter which General Ansell dictated to his stenographer immediately after he left General Harris on May 11. That must have been an afterthought, originating in his own mind and not warranted by the statement of either Gibboney or Westcott.

In both letters—the one which was not sent and the one which was sent—General Ansell stated that he would be responsible for the return of the prisoner.

General Ansell in his testimony repeated several times the statement that General Harris "did not expect" him to accompany Bergdoll on the expedition, but that he did expect some one or more of counsel to accompany it. Both General Ansell and his partner, Mr. Bailey, testified that the agreed arrangement was that Mr. Bailey was, at least, to meet the expedition at Hagerstown, Md., and accompany it during the remaining 20 or 25 miles of the proposed journey to the spot where the gold was said to be buried. The law firm of Ansell & Bailey was employed by Bergdoll, but General Ansell did not pledge the firm to see to it that Bergdoll was returned. Instead, the pledge was General Ansell's personal one.

It has been admitted by General Ansell and by everybody else who testified upon that point that at least one of Bergdoll's attorneys was to accompany the expedition.

General Ansell himself did not state that he told General Harris that he himself would not accompany the expedition. He merely expressed the opinion that General Harris "did not expect" him to do so. If General Ansell himself was not to go, but counsel was to go, then the question arises: Whom did General Harris "expect" would go? Neither of General Ansell's letters—the one which was sent nor the one which was not sent—indicates that Westcott was to go. In the letter which was sent Westcott is referred to as an attorney "in a consulting capacity," while in the one which was not sent Westcott was referred to as an "advisor of Mr. Gibboney." In addition, Westcott is an old, palsied man, not physically equal to the trip outlined by General Ansell.

General Ansell himself did not in his testimony make even the slightest claim that Westcott was to go. Therefore, according to General Ansell, no attorney except Gibboney or Bailey could have been expected to go. General Ansell says he himself did not contemplate making the trip, and since he knew that Judge Westcott could not if he would; and, further, since he knew two days and two nights before the expedition started that his partner, Mr. Bailey, was not going he was bound to know that the only one of counsel who might possibly accompany the expedition from beginning to end was Mr. Gibboney.

General Ansell knew several days in advance that the expedition would start May 20; and he knew that Gibboney himself did not contemplate making more than a part, if any, of the journey. So there is no escape from the conclusion that General Ansell knew at least two days and two nights before the journey started that his pledge made to General Harris in this respect was to be violated.

When General Ansell was on the witness stand the question was put to him a number of times, and by different members of the committee, to indicate at least one specific act done by him looking toward the redemption of that pledge. To each and every one of these questions he was either nonresponsive or evasive. To some of them he replied, in substance, that he had sought to have Bergdoll recaptured after the escape had been accomplished. In other words, all that he specifically claimed to have done was to undertake to lock the stable door after the horse had gone. He plead, in extenuation, after Bergdoll had escaped, that he offered a reward for his recapture. If he had been recaptured and the reward had been claimed, no doubt every one of the many who furnished information here and there would have claimed all or part of the reward, and litigation over it would have been interminable, and the day of payment far in the future, if at all. Then, it is most probable, indeed, that an officer, and not a private citizen, would have made the arrest, and an officer can not maintain a cause of action to enforce the payment of a reward for making an arrest which he should have made regardless of the reward.

The two letters—the one which was sent and the one which was not sent—when taken in connection with all of the other happenings in the case, show that General Ansell was not only taking advantage of his long association in the Army with General Harris, but was actually misleading him into having Bergdoll released for the purpose of seeking the alleged hidden gold. It also is clear that he undertook to use Judge Westcott for the purpose of bringing to bear a political influence upon anybody in the then administration who might be needed to make sure of the gold-hunt release, which at last spelled Bergdoll's escape. Then, when Judge Westcott, in response to General Ansell's urging, had not seen the Secretary of War in person, Ansell, still using him, had him write a letter to the Secretary of War asking him to take Bergdoll's case under personal advisement.

It was known to General Ansell that Judge Westcott had put Woodrow Wilson in nomination for the Presidency of the United States, both at Baltimore and four years later at St. Louis, and that Westcott was a personal friend of both the President and the Secretary of War. Knowing that, he took particular pains to inject Westcott's name into the letter which he wrote General Harris; and then, in his presence, had Westcott write a letter to the Secretary of War in Bergdoll's behalf, based upon Westcott's alleged "enormous" interest in the case.

It was made clear that Westcott's services as active counsel in the case were sought by both Gibboney and the Bergdolls, and just as clear that Westcott declined to act in that capacity.

Since Gibboney, practicing only in the civil courts, and Ansell, practicing as an expert in military law, met, it matters little which found the other, or how, as both were on a hunt for the Bergdoll gold, and each got much of it.

After the employment of the firm of Ansell & Bailey, both Ansell and Bailey visited Governors Island and saw Bergdoll, their visits being made at different times. Mr. Bailey returned from Governors Island to Washington and reported to General Ansell at his residence on the night of the 17th of May, at which time it became understood and agreed between them that neither was to go upon any part of the expedition. The question naturally arises that if one or the other of them was to go—and Bailey admits that he had agreed to join the expedition at Hagerstown, Md.—why was there a change of mind, just following Bailey's return from a visit to Bergdoll, to the effect that neither was to go at all. And, further, why was not General Harris so advised? He was within a stone's throw of them during these two days and two nights. What happened between May 11 and May 17 that did away with the necessity of even Bailey's going? Was information received by either Ansell or Bailey at Governors Island, where Bergdoll was confined under Colonel Hunt, that the gold was not buried at Hagerstown, or that the expedition would not proceed beyond Philadelphia, where Mrs. Bergdoll says the gold was buried, and at which point Bergdoll escaped?

The fact has been established by Treasury officials that Mrs. Bergdoll, during October and November, 1920, exchanged $105,000 in currency for that amount in gold, and it is conceded that she took that gold by automobile from Washington to Philadelphia.

About a month and a half after Mrs. Bergdoll got the $60,000 in gold, which was the last amount gotten, young Bergdoll was arrested in his mother's house in Philadelphia. Shortly after his arrest and his transfer to Governors Island, he there commenced telling about having buried two different amounts of gold. His mother had gotten two different amounts of gold—$45,000 and $60,000—and she has testified that she made two different burials of these amounts. She further states that her son neither knew that she had gotten gold nor that she had buried any.

It is admitted by Mrs. Bergdoll that young Bergdoll had been at her house in Philadelphia quite a little between the time she got the gold and the time when he was arrested and taken away to Governors Island. It is strikingly strange that he should be telling his associates in prison and counsel that he had buried two sums of gold, amounting

to more than $100,000, while, if we believe the mother, she had actually buried the two different sums aggregating approximately the same amount of which Bergdoll himself was speaking.

The conclusion is not an unreasonable one that if Mrs. Bergdoll did bury the gold gotten from the Treasury, and did make two different burials of it, then young Bergdoll must have known of the whole transaction. Otherwise he only imagined or dreamed of a condition that exactly coincided with the undisclosed but actual doings of his mother.

On the 19th of April, 1920, General Ansell prepared a contract fixing the fee which the firm of Ansell & Bailey was to receive as attorneys for Bergdoll. That tentative contract was submitted by General Ansell to Mr. Gibboney for his approval, but Mr. Gibboney declined to approve it. Thereafter, on the 23d day of April, Mr. Gibboney himself, representing Bergdoll with carte blanche authority, submitted a counter tentative contract to General Ansell.

Under the terms of the first tentative contract Ansell & Bailey, according to the construction put upon it by Mr. Bailey, could have received $60,000. Still, according to Mr. Bailey, under the tentative countercontract submitted by Mr. Gibboney, Ansell & Bailey could have received $55,000.

General Ansell stated in his testimony that the tentative contract submitted by Gibboney to him was never executed, notwithstanding the fact that he also stated that the terms of that tentative counter-contract were agreeable to him. Now, the question arises: If Gibboney prepared and submitted a paper whereby $55,000 was to be paid, and that paper was fully acceptable to Ansell, why was it not executed? Gibboney, when submitting the countercontract, was personally present with Ansell. All that was necessary was for both of them to sign it. Something, we know not what, only by surmise, must have become understood between those two men upon that occasion that caused them to abandon the execution of a contract agreeable to them both. But it is certain that after that date, from all the committee has been able to gather, neither the execution of that contract nor any other was ever mentioned or pressed by either of the proposed parties to it. General Ansell had gone to the trouble to prepare a contract for employment, and Gibboney had done the same about a counter one; yet, when their minds met in full agreement all attempts to conclude the contract were abandoned by both.

For all that the committee really knows, General Ansell was employed by Gibboney to represent Bergdoll only in the then pending litigation between the United States and Bergdoll. General Ansell refused to even look at the first papers until he had been paid $100, and he refused to have anything to do with the case until he had been paid $5,000 more. Yet, we find him departing from that employment, and taking up another important piece of work, that of securing the expedition, without disclosed fee or contract for fee, when the actual work to be done by himself and partner, including the visit to Governors Island and the agreement to accompany the expedition for many miles in a mountainous region, to say nothing of the obligation for the prisoner's return, was bigger and more onerous—besides being fraught with the danger of questionable ethics—than was the original proposition, for which he proposed to charge $60,000.

The absence of a fee or a contract for one must be significant when taken in connection with one whose ever first thought seems to have been given to the payment or securing of a large fee.

The suggestion that Bergdoll's escape defeated the collection of the Ansell fee is fallacious. Bergdoll had nearly a million dollars worth of property within reach with which to pay fees at any time, either for the preparation of the brief in the military case or for procuring the gold-hunting expedition. Consequently it was not necessary to find the gold in order to get the fee.

Already it has been shown that neither Ansell nor Bailey contemplated going with the expedition after Bailey's return from Governors Island, where he saw Bergdoll two days before the expedition started. The only remaining attorney who might be expected by anybody, even by General Ansell himself, to go upon the expedition, was Gibboney, and he even failed to accompany the expedition from New York to Philadelphia.

When Bergdoll arrived at the railroad station in North Philadelphia from Governors Island, Gibboney was there to meet him with a letter of identification from Colonel Hunt. However, Gibboney rode only a few blocks in the automobile with Bergdoll and his guards, when he abandoned the party never to join it again.

Mrs. Bergdoll testified that on the next morning after she received each of the sums of gold, she had her chauffeur to drive her away from her residence to a point where she said she buried it. The Bergdolls owned a farm about 11 miles out of Philadelphia. Mrs. Bergdoll stated that she took the gold in her automobile and took along a shovel with which to bury it. She stated that when she had reached the spot of burial she sent her chauffeur away from the automobile to gather apples, and that while he was gathering apples she buried the gold. If that be true, the gold was buried on the Bergdoll farm, and it was not contemplated that the expedition procured by General Ansell was to go beyond Philadelphia. Can it be possible that an ascertainment of the fact that the gold which Mrs. Bergdoll had gotten from the Treasury had been buried on the Bergdoll farm, not far from Philadelphia, caused all of counsel to repudiate the pledge that counsel was to accompany the expedition?

The fact has been established that when Bergdoll and his guard arrived at North Philadelphia, under direction of Mr. Gibboney, who held Colonel Hunt's letter of identification, they went to the Bergdoll residence accompanied by "Judge" Romig and Ike Stecker. Stecker is the man who fled with Bergdoll, and who now is in Germany with him. The further fact has been just as well established that on that very afternoon these same parties drove out to the Bergdoll farm and roamed about over it, instead of going on to Hagerstown, Md., as represented to General Harris by General Ansell would be done.

In view of the foregoing, how is it possible to hold General Ansell blameless? Being 46 years of age he is just in the prime of all of his abundant faculties. He is both able and alert. Intellectually he is wonderfully endowed; and, having spent 25 years in the Army where he had every phase of human kind to deal with, we must believe that he was fully equipped to counter any attempt at deception upon the part of Bergdoll, Gibboney, or the guards. He was far from being such a novice in the affairs of the world that Gibboney, Bergdoll, Romig, or the guards could have pulled the wool over his eyes and blinded him as to the inevitable result of the expedition which he alone had procured. Anybody who has seen and heard all of those associated, either directly or indirectly, with the plan or manner of Bergdoll's escape, not only must recognize General Ansell as the master mind of them all, but also as to their dominating and controlling spirit. He is not the kind of man that will merely follow. Upon the other hand, his is the character of one who must lead. His ability, his experience, have equipped him to lead even the most intelligent of associates.

Bergdoll's escape was the direct result of the proposition submitted by General Ansell to General Harris. Even if General Ansell did not conceive the plan, he presented it and pursued it to its accomplishment. The others had exhausted all remedies known to them as attorneys practicing in the civil courts. It was General Ansell, resourceful and conversant with military possibilities, who must have conceived it.

In fact, Gibboney, Romig, and the Bergdoll family, conspiring among themselves, were unable to bring about the order for Bergdoll's release. Such, of course, was the object of the conspiracy; but in order to successfully accomplish it, it was absolutely necessary to have the active assistance and cooperation of Ansell and Bailey and Colonel Hunt. Without the aid of these latter Bergdoll could not have left Governors Island.

When Bergdoll was arrested on January 7, 1920, as already said, he was taken, in handcuffs, directly to Governors Island, N. Y., and put in charge of Colonel Hunt, commandant of the military disciplinary barracks at that place.

While Bergdoll was confined there Colonel Hunt was several times apprised of the dangerous character of Bergdoll and of the probability of his attempting to escape. The police authorities at Philadelphia well knew Bergdoll's character as a dangerous, reckless fellow. Notwithstanding that advice, Colonel Hunt, according to his own testimony, preferred to rely upon a board of p-s-y-c-h-i-a-t-r-i-s-t-s as to Bergdoll's character.

When Bergdoll was arrested on January 7, 1920, after he had been a fugitive for more than a year and a half, approximately 30 guns and pistols were found in the house in which he was arrested. One of those guns was a rifle equipped with a Maxim silencer. All these weapons were removed from the house by Government authorities. However, immediately after his final escape from the same house on May 21, 1920, it was discovered that the supply had been replenished, as seven shotguns in the meanwhile had been brought in. In addition there was a pistol or two and a blackjack in the house. After his escape to the Canadian line had been accomplished and he had abandoned his automobile there a large revolver and a Lueger repeating pistol were found in his automobile. These facts bear out the Philadelphia police in their opinion that Bergdoll was a dangerous man and would do violence if the occasion for doing so presented itself, the opinion of Colonel Hunt's board of p-s-y-c-h-i-a-t-r-i-s-t-s to the contrary notwithstanding.

Colonel Hunt admitted that he disregarded the admonitions and warnings as to Bergdoll's character and his possible escape, and instead relied upon the diagnosis made by his board of p-s-y-c-h-i-a-t-r-i-s-t-s. When testifying in his own behalf during his court-martial trial, and while referring to the warnings about Bergdoll, Colonel Hunt said:

* * * "The weight of those two warnings—the legal obligation contained in them—was just about the legal obligations of a communication from the mayor of Timbuctoo." (P. 260, court-martial trial of Colonel Hunt.)

One of the warnings given to Colonel Hunt was dated March 8, 1920, and was signed by William Weigel, colonel, General Staff. The communication reads as follows:

"1. Attention is directed to letter from the department adjutant dated January 20, 1920, addressed to you and relating to Grover C. Bergdoll.

"2. In addition to the precautions directed in the letter referred to above, the department commander directs that at all times when Bergdoll leaves the walls of Castle William, he be guarded by two armed sentinels. Whenever Bergdoll in his present status leaves the island the commanding general directs that he be handcuffed to one sentinel and guarded by another sentinel. The dangerous character of this prisoner has been reported by the police authorities of Philadelphia, who are in a position to know the amount of force which is probably necessary for his restraint, and this direction is made because of the information gained from these experienced police officials."

Relative to those warnings Colonel Hunt, in his court-martial trial, testified as follows:

"Q. I asked you if you considered him a dangerous prisoner?—A. During the time of his trial I had more accurate information and was in better position to judge, in my opinion, of the dangerous character of Bergdoll, of his criminal mind, than the judge advocate, than the judge advocate's office, or the judge advocate of the department, or anybody else; I had received full information from a careful and scientific investigation, conducted by a board of officers, who inquired into his sanity. I received information from Major Baker, who was my p-s-y-c-h-i-a-t-r-i-s-t, and I regarded it as absolutely dependable. At the time I received these two communications I knew all about Bergdoll. I had received the official and scientific opinion of an authority in regard to Bergdoll. Those letters were worth to me just as much as they were based on facts, and they were not based on any facts at all. So far as this information was concerned, there wasn't anything in that."

That was one of the several instances of his defiance of superior authority in Bergdoll's favor.

In addition to the court-martial trial with which we are now dealing, Colonel Hunt was court-martialed three times on the charge of drunkenness. In one of these court-martial proceedings he was sentenced to be dismissed from the service. Appeal was made to President Taft, who, in his usual good nature, commuted his punishment to that of a reduction of 50 files. Upon one of these three occasions he undertook to anticipate and prevent conviction by making a solemn pledge that he would not indulge in any intoxicating liquors for a period of 10 years. That promise he failed to keep.

There can be no better nor more convincing proof of Colonel Hunt's defiance of authority and ignoring of instructions than is found in his own testimony before his court-martial trial on account of the Bergdoll escape.

Throughout that whole court-martial trial he contended that Bergdoll should have been treated like the least offending prisoner, notwithstanding the information which had been conveyed to him relative to Bergdoll's dangerous character, and his probable attempts at escape. His contention to that effect was based entirely upon the report of the p-s-y-c-h-i-a-t-r-i-s-t-s, the actual and patent facts to the contrary notwithstanding. Besides, Colonel Hunt was conducting the prison on an "uplift" policy. He introduced witnesses to prove, in effect, that it was better to trust Bergdoll to the extent that he did well-known harmless prisoners, than to keep him confined or under close surveillance, as he had been instructed to do.

He resented every suggestion made to him relative to keeping a close watch over Bergdoll. His determination to pursue his own

narrow way about things; his ignoring directions and defying instructions from the higher authorities at Washington are not short of being criminal; and Bergdoll's escape is traceable directly to that criminality as one of the several important happenings contributing to that deplorable end.

Colonel Hunt first endeavored to excuse what justly may be termed the insufficient guard by claiming that he alone had the right to determine how much of a guard should accompany the prisoner, and that nobody else had any right even to make suggestions as to the sufficiency of the guard. Throughout his testimony in the court-martial trial he constantly exhibited that resentment and defiance.

When that attitude had aroused criticism, he sought shelter under the assertion that he did not have a commissioned officer who could be spared when the expedition started.

He said that one commissioned officer was absent on leave, and that another had just returned from taking some prisoners out to Leavenworth, and was too fatigued to then go upon this expedition; and that, in consequence, he sent the prisoner out accompanied by only two sergeants.

When he made that statement he must have thought that other people would overlook the fact that he himself could select the day and the hour when the expedition should start. Therefore, he, after a conference with Bergdoll's counsel and some of the convicted conspirators, chose a day when, according to his own statements, he knew he could not comply with the instructions of his superior officers by sending a commissioned officer along. Except that he was acting in defiance of instructions, and in collusion with the prisoner, his friends and his attorneys, he would have selected a day for the expedition when all instructions could have been complied with, including the sending of a commissioned officer.

Bergdoll received surprisingly considerate treatment from Colonel Hunt. A man named Speicher slept in the same cell with Bergdoll. Speicher made many trips to New York during that time. There is no doubt that Bergdoll kept in close touch with the outside world through Speicher, as well as through others.

Harry Weinberger, the New York lawyer, testified that Speicher upon one occasion came to his office and brought a note from Bergdoll. About that time Speicher got into some trouble and $200 was necessary to get him out of it. That amount was paid by Bergdoll through his mother. If Speicher was receiving that gift and probably others from Bergdoll and delivering communications to Weinberger, it is reasonably certain that he was delivering communications from Bergdoll to outsiders, and from outsiders to Bergdoll.

Mrs. Bergdoll testified that she was permitted to place $700 in the prison at the disposal of her son in order that he might purchase knickknacks for his fellow prisoners.

When O'Hare, one of the sergeants who was to accompany Bergdoll upon the expedition, was about to start thereon, he asked Colonel Hunt for handcuffs, but they were refused.

While in prison Bergdoll and the other prisoners were clothed in prison garb, easily distinguishable, and upon the clothing of each was a prison number. Colonel Hunt sent other prisoners than Bergdoll to Philadelphia, and he sent them in the prison garb bearing their prison numbers. But when he came to send Bergdoll on his buried-gold mission he had the prison garb removed and clad him in the uniform of an honorable soldier, except there was no cord around the hatband. It is quite easily seen that if Bergdoll had escaped in his prison garb, bearing a prison number, many persons would have been willing to halt him and bring him to account; but the fact that he was clad in the uniform of a soldier of our country threw off suspicion and instead of blocking his escape made it easier, as all respected the uniform of the country. Every direction which looked toward Bergdoll's safekeeping was rejected by Hunt, and everything that might facilitate his escape was done without question or quibble.

There is some conflict between the testimony of Colonel Hunt and that of Sergeant O'Hare relative to the instructions given by Colonel Hunt to O'Hare when he was told that he was to go on the expedition as one of the two guards. Notwithstanding this conflict it is quite certain that the main instructions given to O'Hare by Colonel Hunt were given merely by submitting to him and having him read the official letters from Washington.

It appears that Colonel Hunt called Sergeant O'Hare into his office and told him that the expedition would start on the morning of the 20th, and that he and another sergeant were to constitute the guard, but that as between himself and the other sergeant he, O'Hare, was to be the principal officer.

Then Colonel Hunt gave the official letters to Sergeant O'Hare and told him to read them. While O'Hare was reading the letters Hunt turned to his desk and wrote with pen and ink.

When O'Hare had finished reading the letters Hunt turned to him and asked him if he understood them. O'Hare answered affirmatively.

Colonel Hunt never asked O'Hare a single question for the purpose of ascertaining whether or not he correctly understood them. He made no effort whatever to learn whether O'Hare understood them just as he himself did. As a matter of fact, O'Hare left Colonel Hunt and went upon the expedition as the principal guard with only his own construction of the letters, without having them explained by Colonel Hunt and without ascertaining whether the two of them understood the letter alike.

O'Hare testified that when he asked Colonel Hunt to give him handcuffs, so that Bergdoll might be handcuffed, Hunt replied that handcuffs would make Bergdoll "too conspicuous."

York, the sergeant who with O'Hare constituted the guard, admittedly was given no instructions whatever. If anything had happened to O'Hare, York would have been absolutely without any sort of instruction.

As said, while O'Hare was reading the two letters Hunt was writing a letter in longhand to Gibboney. That letter was shown by Hunt to O'Hare, that O'Hare might be able upon reaching North Philadelphia to identify Gibboney, by whom the letter was to be shown to O'Hare when he reached Philadelphia to report to Gibboney. That letter reads as follows:

GOVERNORS ISLAND, N. Y., *May 17, 1920.*

MR. D. CLARENCE GIBBONEY.

SIR: This letter is to serve the purpose of your identification in the matter which was arranged in my quarters on Governors Island.

Very respectfully,

JOHN E. HUNT, *Major, Infantry.*

When O'Hare with his prisoner arrived at the North Philadelphia station, Gibboney went to O'Hare and presented the letter which had been written by Hunt, and which O'Hare had seen before it was mailed to Gibboney. O'Hare states positively, and the above letter and every other circumstance bears him out, that when the expedition reached North Philadelphia, Gibboney, as Bergdoll's attorney, was to have control as to where the party should go. O'Hare, following his construction of the letters, including the one of identification written by Hunt, clearly showed that Hunt intended that O'Hare should report to Gibboney at Philadelphia, and there receive instructions from him as to the rest of the journey, since it is admitted by all that O'Hare knew neither the road nor the destination.

Believing, and correctly so, that from that moment Gibboney was to control their movements, O'Hare followed Gibboney's instructions and took Bergdoll to his own residence.

It seems clear that it never was intended that the expedition should proceed beyond Philadelphia; and it is no difficult matter to determine who knew in advance that it was not to proceed further.

Two days and two nights before the expedition started both Ansell and Bailey abandoned any intention to go that either may have had, as well as any understanding with anyone in authority that either of them was to meet the party at Hagerstown or anywhere else. Hunt did not direct O'Hare and York, the two guards, to compel Bergdoll to go farther than Philadelphia. Instead he wrote the letter above referred to; showed it to O'Hare; then mailed it to Gibboney, and had Gibboney present it at Philadelphia to O'Hare, in order, as Colonel Hunt says, that O'Hare might be able to identify Gibboney.

The question arises: For what purpose was Gibboney to be identified by O'Hare? Was it that he might merely make the acquaintance of Gibboney; or was it that Gibboney, just as O'Hare says, was to tell O'Hare where the party should go? That letter was not written as an introduction of Gibboney or for any other unimportant matter. It was written with the serious and important intent of having O'Hare report to Gibboney for instructions not given him by Hunt himself. There can be no doubt about that.

Following Gibboney's directions the party entered an automobile. Scarcely were they seated in the automobile until Gibboney gave directions to proceed to the Bergdoll residence, he himself leaving the automobile at a convenient place to go to the courtroom, where Mrs. Bergdoll was then being tried.

Neither Gibboney, Romig, nor Ike Stecker, all of whom said they were going on the journey to Hagerstown, Md., on a mission which required them to be out several days, had any baggage whatever when they met Bergdoll and the guard at North Philadelphia.

Mrs. Bergdoll, although a millionaire, usually does all of her own work, cooking, washing, and ironing, and other household duties. Notwithstanding this fact, on the day before Bergdoll arrived at her residence in Philadelphia she arranged for Mrs. Stecker to come to her house on the following day to cook dinner. The next day—the day when Bergdoll and the party actually arrived at the residence—Mrs. Bergdoll had put part of the dinner on the stove to be cooked. Other provisions for the dinner were already in the kitchen. Mrs. Bergdoll purchases her meager supply of groceries from day to day, if not from meal to meal.

On this day there would have been nobody at the house for dinner if Bergdoll, O'Hare, and the others were not to be there, except Mrs. Bergdoll, her mother, and the gardener. But, in addition to those three, there were present for dinner Mrs. Stecker, Grover Bergdoll, "Judge" Romig, Ike Stecker, Sergeant O'Hare, and Sergeant York. Yet there was ample dinner for all nine. Still all those who were helping young Bergdoll, including Ansell and Hunt, disclaim that there was to be a stop at Philadelphia.

It was testified that Gibboney stated that the journey was not to be pursued farther than Philadelphia that day because the automobile which the party was to use was "knocking." No immediate steps, if any at all, were taken to repair the car.

When O'Hare, with his prisoner and the others, arrived at the Bergdoll residence nobody was there except Mrs. Bergdoll's mother, who was more than 80 years of age.

Bergdoll proposed that they take a ride through the city until dinner time, they having reached the Bergdoll house about 10 o'clock. This they did, returning to the Bergdoll residence about 12 o'clock. In the meantime Mrs. Stecker had arrived and was preparing dinner; not for three persons, but for nine.

After dinner was over it was proposed, not to have the automobile repaired, but to take another ride. This also they did; and during that ride they visited the Bergdoll farm, 11 miles out in the country. What happened there can be only surmised; but it should be remembered that if Mrs. Bergdoll, or Bergdoll himself, ever buried any gold, it must have been on the Bergdoll farm.

After the visit to the Bergdoll farm the party returned to the Bergdoll residence in Philadelphia. After supper was over there was nothing done by Ike Stecker, the chauffeur, looking toward the repair of the car; but, instead, the party took another ride in the alleged disabled car, during which time they went to a show and to a saloon.

A bottle or bottles of gin were placed in different parts of the Bergdoll home, where any of the party could partake of it at will. It is conceded that all except O'Hare drank some of it. This will be mentioned again further along.

It must be noticed that Gibboney, one of the Bergdoll attorneys, and who had long been a friend and attorney for the Bergdoll family, was out in town and not at the Bergdoll residence. It must also be noted that "Judge" Romig, an intimate friend and confidential adviser of the family, was within the residence with O'Hare, York, and the prisoner.

It is interesting to see who Gibboney and Romig are. Gibboney was an attorney at law with but little knowledge of the law. His principal profession or occupation was that of a self-styled "uplifter" or reformer. In the latter capacity he pretended to be stamping out the liquor traffic and other evils. The Bergdolls owned a brewery, and some twelve hundred or fourteen hundred saloons dispensed their beer. By-and-by, Gibboney, as uplifter and reformer, came to be recognized by the authorities as one who, for the sake of peace, should be consulted about the issuing of licenses for these and other saloons. His opinions relative to issuing licenses to the Bergdoll saloons not only did not cause a rupture between himself and the Bergdolls, but it brought him and them closer together. He was the man to whom Colonel Hunt delivered Bergdoll and the two sergeants, York and O'Hare. In addition, Gibboney was the man who was on the outside of the Bergdoll residence to observe, while "Judge" Romig was within to report, which he did by telephone.

Who is "Judge" Romig? He was never a licensed attorney. He acquired the title of "judge" because he was a justice of the peace, before whom offenders in the Bergdoll saloons were tried for minor offenses. His conduct as justice of the peace so greatly endeared him to the senior Bergdoll that he, when upon his deathbed, asked "Judge" Romig to look after Grover when he was gone. From that day until

this "Judge" Romig has been a constant visitor at the Bergdoll residence and their confidential adviser. It was he who accompanied Mrs. Bergdoll and drove her automobile from Philadelphia to Washington upon the two occasions when Mrs. Bergdoll got $105,000 in gold from the Federal Treasury.

Up to this point it is seen that General Ansell procured the release of Bergdoll from Colonel Hunt; and Colonel Hunt placed Bergdoll in the hands of Sergeants O'Hare and York; and they, by Hunt's orders, delivered him to Gibboney, and Gibboney turned him over to Romig, the foster father, who accompanied him to the Bergdoll residence from which he escaped. All that was not accident; it was design.

General Ansell in his letter to General Harris extolled the virtues of Gibboney. Yet, when he came to testify, he disclosed that his information as to Gibboney was acquired after the escape and not before. So his statements were made as facts when he lacked the necessary information upon which to base an opinion as to Gibboney's real character. If General Ansell had said as much to General Harris about Gibboney as he virtually admitted to the committee, no doubt General Harris would have refused, under those circumstances, what he granted under the other unqualified representations.

Almost immediately after the receipt of the letter sent by General Ansell to General Harris on May 11, Hunt, at Governors Island, was advised over the telephone by Colonel Penn that Bergdoll was to be released. On Sunday, May 16, "Judge" Romig went over to Governors Island. He saw Bergdoll upon that occasion. As to who else he saw and what was said the committee is not advised. However, "Judge" Romig testified that upon that occasion Bergdoll spoke to him of the contemplated expedition to recover the buried gold. According to "Judge" Romig's own testimony, he all but flew up into the air as soon as Bergdoll mentioned "gold" to him; and he reprimanded Bergdoll for having even mentioned "gold." "Judge" Romig had accompanied Mrs. Bergdoll from Philadelphia to Washington in her automobile upon the two occasions when she got, in the aggregate, $105,000 in gold. He helped her to carry it from the Treasury Building at Washington into the automobile; and in Philadelphia he helped her to carry it from the automobile into the Bergdoll residence. But for some unaccountable reason he said he would not permit young Bergdoll, while at Governors Island, to even mention "gold." By reference to Romig's testimony it will be seen that when asked if he believed the story of buried gold he stated that he believed the gold to be where he had last seen it—that is, in the Bergdoll house. It must be concluded that Romig then knew that Bergdoll's release and the expedition were not a hunt for gold, but intended for Bergdoll's escape, and he commenced in time to disclaim participation.

In the natural sequence of things the conduct of O'Hare should next be considered; but, as the conduct and trial of Colonel Hunt are in such close intimacy with Col. C. C. Cresson, the judge advocate who prosecuted—or rather who was selected or detailed to prosecute Colonel Hunt—it is deemed best that his acts and omissions should be considered at this point in the report.

As ugly as are many phases of this whole matter, none is more defenseless than the conduct of Colonel Cresson in his pretended prosecution of Colonel Hunt.

To turn those loose who turned Bergdoll loose but adds insult to injury, and Colonel Cresson was the principal one of the instruments through which this latter offense was perpetrated.

Concretely put, Hunt was charged:

* * * * * * *

So all five counts were proven, three of them by Hunt's admissions, and yet the court found him "not guilty" on each and every one of them.

There can be no question that Sergeant O'Hare was imposed upon by Colonel Hunt. However, there can be no excuse made for the opportunity of escape which O'Hare gave Bergdoll. O'Hare was guilty of unpardonable negligence during the night spent in the Bergdoll residence in that he permitted Sergeant York to go upstairs and sleep with a bottle of gin while he remained downstairs and slept in the same room (in another bed) with Bergdoll. Unless Bergdoll had had a safer and just as certain plan of escape, he either would have taken O'Hare's pistol from him while O'Hare was asleep or he would have covered him with one of his seven shotguns, compelled him to hold up his hands and remain silent, and then go away in the automobile, possibly taking O'Hare with him and throwing him out in the road at such point as might best suit his purposes.

There can be no defense whatever made for Sergeant York. On their arrival at Philadelphia he got out of the automobile and went into a saloon. During that night and the next day at the Bergdoll residence on several occasions he drank gin, not only by himself but with the prisoner. He, too, is just as blamable as is O'Hare for letting Bergdoll get out of sight. He even did not sleep in the same room with the prisoner. Besides, when the telephone bells were ringing—no doubt as a signal to Bergdoll that everything was ready—York says he went to another floor of the house to get a drink of water when there was water on the floor which he was leaving.

Lieut. Col. C. C. Cresson, as said, was the judge advocate detailed to prosecute Colonel Hunt in the court-martial trial.

Even before any testimony was introduced, Colonel Cresson made the following statement to the court:

"The Government disclaims, and personally and on behalf of the prosecution, any idea of there being anything crooked or any collusion on the part of Colonel Hunt in this matter, or that any money was used, the only charge in the matter being simply neglect of duty and failure to take due precautions in the matter." (P. 7, Hunt's court-martial trial record.)

By that declaration Colonel Cresson gave notice that he would not, if he could, prove that he did not furnish a sufficient guard if he was bribed not to do so.

In the same way this prosecuting attorney served notice that he would not prove, even if he could do so, that Colonel Hunt had failed to send a commissioned officer along with the guard if he had been paid not to do so.

The inevitable conclusion is that Bergdoll bought his way out; yet Colonel Cresson, the prosecutor, boldy announced that he would not prove that to be the case even if he could.

That statement by Colonel Cresson clearly shows what a shocking mockery the rest of the trial was.

When O'Hare was on the witness stand in Colonel Hunt's court-martial trial, testifying in response to questions put to him by the prosecution, the prosecution itself endeavored to conceal a material part of the escapade indulged in at Philadelphia, as is shown by the following questions and answers, to be found on page 81 of the court-martial record:

"Q. You got out to Bergdoll's house about what time? Do you remember?—A. I think it was between 11 and 12, the first time.

"Q. In the middle of the day?—A. Yes, sir.

"Q. And you stayed there until how long—how long did you stay there?—A. Oh, must have stayed there—we had dinner there and stayed there until about 2 o'clock.

"Q. What did you do this afternoon?—A. Then took a ride around again in the afternoon.

"Q. Now, skip over to the next day. When was the last time you saw Bergdoll, as you remember it?"

One can not but wonder and continue to wonder why the prosecution wanted to "skip over" the escapade of that night when Bergdoll was taken to the show by the guard and Sergeant York went into the saloon. Could it be that the prosecution was "whitewashing" Colonel Hunt's guards by concealing those incidents because the "suitableness" of the guard was one of the issues confronting Colonel Hunt?

On page 90 of the court-martial proceedings it is shown that while O'Hare still was on the witness stand the prosecution itself volunteered an announcement as follows:

"I think it is proper to appear here that the sergeant is a man that never takes a drink. He has taken no drinks in 19 years."

When O'Hare came to testify before the congressional investigating committee, he stated that prior to the Bergdoll affair he did not know Colonel Cresson, who was prosecuting, and that Colonel Cresson did not know him; and that it was impossible for Colonel Cresson to know whether or not he (O'Hare) drank.

Bergdoll escaped on May 21, 1920. Colonel Hunt's court-martial proceedings commenced July 21 thereafter. During the two months which intervened between the time when Bergdoll escaped and the beginning of Hunt's court-martial trial, Hunt was promoted from major to lieutenant colonel. Then, while the trial was going on, announcement actually was made to the court, while in session, that Lieut. Col. Hunt had again been promoted, this time to the rank of colonel.

Prisoners in making escapes use different instruments. Some use crowbars, some files, some saws, and some false keys. The instrument used by Bergdoll in making his escape was money. Crowbars, saws, and files make noise. There is an old, old saying that "money talks," but in illegitimate transactions like this its talking is done in whispers, and, therefore, difficult of proof.

No one can be so dense as not to know that Bergdoll could not have been detained at Governors Island for the unusual length of time that he was detained, instead of being sent directly to Leavenworth, without the use of money. Neither can any impartial mind fail to see that his expedition to recover the alleged hidden gold was procured by the use of money. It is fair to assume that every discrimination made in his favor and that every step taken by him leading to his escape was the direct result of his immense fortune. If he had not been a millionaire, immediately following his conviction he would have gone with other prisoners to Leavenworth, where the doors would have been securely closed behind him unless Colonel Hunt had been successful in his effort to be transferred there.

Because a thing is accomplished by employing a licensed attorney to do it does not necessarily put the act beyond merited condemnation. Money was spent lavishly by Bergdoll for the purpose of ingratiating himself not only with the prison authorities but with his fellow inmates in the prison at Governors Island. There are many instances where money was used, apparently for legitimate purposes, but surely with the ulterior design of escape. His prolonged stay at Governors Island cost him at least $6,000 or $7,000, and it must be remembered in this connection that it was at General Ansell's request that Bergdoll was permitted to remain there.

The broad, well-defined trail leading to the escape did not become unmistakably evident until General Ansell induced General Harris to authorize the expedition to search for the gold. There can be no doubt about General Ansell's ability and learning, but it is certain that he did not get into the case because of that ability and learning alone. His influence with the Army officers with whom but recently theretofore he had been so long associated must have been considered. The large fee contemplated by him evidently was based not only upon what he might accomplish through legal channels but, in addition, by exercised influence.

COMMITTEE RECOMMENDATIONS IGNORED.

Now, let me quote the conclusions finally reached by this special select committee and the recommendations they made to the House of Representatives in their report. The committee said:

While there are many who participated in the conspiracy leading to Bergdoll's escape and the acquittal of those who brought it about, there are three who are infinitely more culpable than the rest. Those three are General Ansell, Colonel Hunt, and Col. C. C. Cresson. But thus far no punishment has been imposed upon anybody that could not be discharged by the Bergdoll millions and counted a mere trifle.

General Ansell is now out of the Army. He is beyond the jurisdiction of court-martial proceedings, but provision should be made against his future practice before any of the departments, before any court-martial, or in the courts of the District of Columbia or the Nation, above whose safety and integrity he has placed gold.

Colonel Hunt, within the next two months after he had participated so criminally in the escape of Bergdoll, was promoted from major to colonel and immediately retired on the pay of $3,600 a year. It becomes a serious question who is to pay this lifelong reward for his perfidy. Those whose backs already are burdened with the most onerous tax ever imposed must contribute; and, in addition, more than 4,000,000 of our soldier boys must, throughout Colonel Hunt's remaining years, contribute to this munificent retirement fund in recognition only of his instrumentality in this national tragedy. An outraged Nation has the right to demand that Colonel Hunt's annuity be discontinued.

The conduct of Mr. Earl B. Wood should not go unnoticed.

On April 30, 1920, John J. O'Connor, a special agent of the Government in the secret service, who had been sent to Philadelphia to look after the Bergdoll case, addressed a letter to Frank Burk, Assistant Director and Chief of Investigation, Washington, D. C.

That letter reads as follows:

"DEAR SIR: On the evening of April 27, Lieut. George C. McDonald, who has been and is cooperating with me in the Bergdoll cases, obtained information through one Jacob Strohm, an uncle by marriage of the Bergdoll boys, that Grover C. Bergdoll is to gain his release within a period of two weeks.

"The information, in substance, is that a Colonel Ansell, a Washington attorney who has been retained by the Bergdoll family to attack the verdict of the court-martial, has guaranteed to bring about the release of Grover C. Bergdoll for a consideration of $10,000. In an effort to gain his freedom, counsel for Bergdoll is expected to apply for the release on bond of Grover C. Bergdoll pending the decision of the court in reapplication for a writ of habeas corpus, which will give Bergdoll sufficient time to depart from the United States.

"If this can be brought about, it will be a repetition of an application which was made before Judge Hand in the southern district of New York, and at the time of the application counsel requested that the prisoner be turned over to the custody of the United States marshal pending decision. Judge Hand refused the request and ordered Bergdoll returned to the custody of the military authorities.

"If there is some way to prevent Bergdoll's being released pending the decision of the court before which the application will be made, we will have prevented Grover Bergdoll's escape, together with protecting Colonel Ansell, whom I believe to be misled, from having to explain the treacheries of his client and of his confederates.

"Very respectfully,

"JOHN J. O'CONNOR, *Special Agent.*"

When that letter reached the department it went to Mr. Wood, he having charge of all correspondence relating to the Bergdoll case.

When Mr. Wood received the letter, he should have immediately brought it to the attention of the War Department, which then had charge of Bergdoll, for the purpose of having double precautions thrown around him.

It seems that every happening—whether of act or omission—resulted to Bergdoll's benefit, and not one to his real detriment.

All this could not have been accident. Somebody, carrying convincing persuasives in great bundles, must have preceded every doing in the case, to see that nothing was left to chance.

"Mr. JOHNSON. Did you bring the contents of that letter to the attention of anybody else?

"Mr. WOOD. No, sir.

"Mr. JOHNSON. Do you take full responsibility for the failure to bring the contents of that letter to the attention of anybody else?

"Mr. WOOD. Yes, sir; I take the responsibility. I handled the letter.

"Mr. JOHNSON. Do you take full responsibility for not having brought it to the attention of anybody else?

"Mr. WOOD. Yes, sir; I take full responsibility for the way that letter was handled.

"Mr. JOHNSON. Do you take full responsibility for not having brought the contents of this letter to the attention of anybody else?

"Mr. WOOD. I do.

"Mr. JOHNSON. That is all."

Believing that no man of Mr. Wood's most extraordinary make-up should continue in the public service his dismissal is most earnestly recommended. More, it is recommended that he be forever disqualified from holding any appointive position whatever with the Government of the United States.

It has been said that there is perhaps no crime an exact definition of which is more difficult to give than the offense of conspiracy. It has been defined to be a combination of two or more persons by some concerted action to accomplish some criminal or unlawful purpose, or to accomplish some purpose not in itself criminal or unlawful by criminal or unlawful means.

The crime of conspiracy very, very frequently involves the use of money as a means to its successful accomplishment, and in such cases, as a general rule, it is not necessary that direct evidence be adduced of the payment and receipt of the consideration. It becomes a matter of inference from one fact to the existence of another. That is this case.

It must be conceded that the motives which prompted Mrs. Bergdoll, the mother, and "Judge" Romig, the foster father, to take part in the conspiracy were not the motives that actuated either Gibboney, Ansell, Bailey, or Hunt. These latter had no affection for Grover Bergdoll, nor can it be said that his plight aroused their humanitarian impulses. What then incited their activities? There was, of course, the Bergdoll fortune ever present.

There are many, many offenses which are, indeed, most difficult of actual proof. There are a few impossible of proof except by circumstances and by reasoning from cause to effect.

The eye of man is far more easily deceived than is his mature reasoning and calm judgment. Money may pass from hand to hand in an instant, and at some obscure place and not be seen. While the passing of it may be proven beyond doubt, the consideration for which it did pass may be disputed. On the other hand, the full performance of the service to be rendered may be fully established, still the passing of the money in payment for the service may be proven only by appeal from the eye to the mental consideration of a chain of established facts. Again, that is this case.

Bergdoll escaped through the misdoing of somebody other than the Bergdoll family and their immediate, personal associates, such as Romig, Stecker, Gibboney, and Mrs. Bergdoll. It is hoped that this report bares to the Congress the others who are more guilty than even the Bergdoll family. Shall they go unwhipped of justice?

The mother, the brother, the foster father—only those who gave shelter and comfort out of love for the black sheep of the family—have been convicted. Shall those who, for money, conceived, connived at, and executed the escape continue to practice in our Nation's courts, to wear the uniform of an officer of our Army, or to collect an annuity from a wronged people?

WHAT WILL THE HOUSE DO WITH IT?

Is the House of Representatives going to bury this report without action? If so, why? Why should not the guilty be punished? Is anybody connected with the Government now shielding the guilty? The House of Representatives has spent $6,441.85 of the public money to make this investigation and obtain the facts in this report. In what way is it going to benefit the people and the Nation?

And what is to be done with General Ansell? Why was he employed as counsel by another select committee of the House, at a $15,000 fee, about the time the Bergdoll committee had him under investigation? Is the Government going to continue to employ him and pay him big fees? Concerning this problem, the Republican Party must make answer to the country.

Mr. JEFFERIS of Nebraska. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

MUSCLE SHOALS.

Mr. JEFFERIS of Nebraska. Mr. Speaker, the Muscle Shoals projects were constructed during the war. Nitrate plant No. 1, costing $13,000,000; nitrate plant No. 2, costing about $66,500,000; the Wilson Dam, on which was expended $17,000,000; in all, about $106,500,000 were expended from an appropriation of $200,000,000 under section 124 of the national defense act of 1916 and appropriations during the war for armaments of fortifications. The Government has authorized about $24,500,000 since the war to complete the Wilson Dam, including electrical power houses and generating equipment for 120,000 horsepower and certain navigation facilities. It is expected this work will be completed in 1925 or 1926.

For the fixation of nitrogen there was constructed two plants, a modified Haber process for nitrate plant No. 1 and the cyanamide process for plant No. 2. To these plants there are four important adjuncts—the Gorgas power plant, on the Warrior River 90 miles south of Muscle Shoals, costing $3,850,000; the transmission lines to Muscle Shoals, costing $960,000; the Waco Quarry, near Russellville, Ala., 26 miles south of Muscle Shoals, costing $1,300,000.

The synthetic-ammonia plant at nitrate plant No. 1 is a failure. Its capacity is rated at 22,000 tons of nitrates per annum. It is located on a 1,900-acre lot of land. In addition to a number of large, substantial buildings suitable for manufacturing purposes, it contains 112 permanent dwelling houses, complete with furnaces, electric lighting and bathroom facilities, bachelor quarters with modern improvements containing accommodations for 35 people, 80 temporary houses for construction purposes, about 9 miles of macadam road, 8 miles of sewers, 4½ miles of standard-gauge railroad, a water plant, and other necessary auxiliaries. These latter properties cost $3,500,000.

The three plants at nitrate plant No. 1—for oxidation of ammonia into nitric acid, for the concentration of nitric acid, and for conversion of ammonia and nitric acid into ammonia nitrate—can be successfully operated. Only the synthetic ammonia plant process is a failure, according to the report of Major Burns, of the nitrate division of the Ordnance Department, who says, in his testimony before the Senate Agricultural Committee, that since the armistice a modified construction of a similar plant has been in successful operation on a commercial scale at Syracuse, N. Y. Major Burns further says that the Ordnance Department has made quite an extended study of plans for reconstruction of the synthetic ammonia process plant at nitrate plant No. 1 and that in the light of subsequent experience in this country it can be operated successfully. The Ordnance Department estimates the cost to reconstruct the plant to produce its rated capacity of 22,000 tons of nitrates per annum, including a necessary sulphate of ammonia plant for fertilizer production, would be $4,750,000.

Nitrate plant No. 2 consists of a calcium-carbide plant, including necessary facilities for burning limestone and preparing coke, and a plant for the extraction of nitrogen from air by the liquid-air process, a plant for the welding together of calcium carbide and nitrogen to form cyanamide, a plant for the conversion of cyanamide into ammonia, a plant for the conversion of half of the ammonia so formed into nitric acid, and a plant for the combination of nitric acid and ammonia for the formation of ammonium nitrate. The plant has a capacity of 475 tons of calcium carbide per day, 600 tons of cyanamide per day, 150 tons of ammonia per day, the equivalent of 260 tons of 100 per cent nitric acid per day, and 300 tons of ammonium nitrate per day, or 110,000 tons of ammonium nitrate per year. The capacity of this plant is five times the capacity of United States nitrate plant No. 1.

This plant cost about $66,500,000. It is located on a site of 2,300 acres and contains a 90,000-horsepower steam plant; 186 permanent houses with electric lights, sewers, and water supply; a hotel with 100 rooms with modern improvements, thoroughly furnished; 366 temporary houses; 24 miles of improved roads, 37 miles of standard gauge railway; 20 miles of sewers; 16 miles of domestic and fire water supply; a 60,000,000-gallon reservoir with filtering and pumping plants; and a 50-ton ice plant. These latter auxiliary facilities represent a cost to the Government of approximately $25,000,000. In addition, it is estimated that there is material on hand worth about $5,000,000.

The evidence before the committee is that it costs about $125,000 per year to finance the caretaking of plants Nos. 1,

2, and the Waco Quarry. The Government is realizing from a lease of the Gorgas steam plant, the transmission line, and the Sheffield steam plant approximately $250,000 per annum.

Power generated at the steam plant at Sheffield has been used for two years to meet the needs of the power market, through interconnected transmission lines, in the States of Georgia and North and South Carolina. At one time during the coal emergency and the drought last year more than 45 cotton mills in these States, and a number of municipalities, were relieved of the necessity of either closing down their plants or materially curtailing their output by reason of power from this source generated with coal transported 100 miles or more from the Alabama coal fields.

OBJECTS OF ORIGINAL LEGISLATION AUTHORIZING THE CONSTRUCTION OF A NITRATE PLANT AND A POWER DAM.

The original purpose stated in section 124 of the national defense act of 1916, under which these plants were first authorized, and the law now in effect, was to provide nitrates for explosives and fertilizers in peace time. The legislation vested in the President very large and discretionary powers in the conduct and management of the plants.

Recently Congress has determined, pursuant to the policy expressed in the national defense act of 1916, to complete the construction of Wilson Dam, including power houses and equipment sufficient to generate 120,000 horsepower, for which approximately $25,000,000 new money has been appropriated or authorized. When complete the power equipment will be sufficient to develop all the available continuous prime power at the site and will have in reserve for any emergency the 90,000-horsepower steam plant which insures sufficient power for the continuous operation of the plants in the use of the processes originally planned. In times of military necessity plant No. 2 is capable of fixing sufficient nitrogen to supply 12 divisions organized and equipped for combat in accordance with the conditions existing at the close of the World War, or an army of approximately 500,000 men.

In order to equip nitrate plant No. 2 for the production of fertilizer it is estimated by the Ordnance Bureau that $3,500,000 additional would be required. However, all the testimony of experts before the House and Senate committees and the statements of many scientists who have studied the question is that the cyanamide process is obsolete and that under the most favorable conditions fertilizer can not be manufactured on a commercial scale at prices to compete with other sources of supply. The recent statement of Dr. Charles L. Parsons, a leading authority in this country, supports this conclusion.

THE FORD OFFER.

The original offer of Mr. Ford to take over the Muscle Shoals projects has undergone a number of changes, some at the instance of the Secretary of War and others at the request of the House Committee on Military Affairs and the Senate Agricultural Committee. In its essentials he offers to take title in fee to the Waco Quarry, consisting of 450 acres of limestone deposits, and a branch railroad 1½ miles long, costing about $1,400,000; nitrate plant No. 1, located on 1,900 acres of land, with its 125 permanent building structures and plants; a complete industrial community with sewerage, electricity, streets, walks, etc.; the assignment of whatever contractual rights the Government has and its property interests in the Gorgas properties; the 90-mile transmission line to Sheffield; the completion of Wilson Dam and the construction of Dam No. 3, including the installation of power houses and electrical equipment necessary to generate 850,000 horse power, with a 100-year lease thereon. He also offers to take title to plant No. 2, located on 2,300 acres of land, including all its accessories heretofore enumerated and including the steam plant, the largest in the world, which alone cost $12,000,000. The cost to the Government of the properties, building, equipment, etc., title to which his offer contemplates will pass to his company, approximates $90,000,000.

It is estimated by Army engineers that it will cost more than $55,000,000 to complete Wilson Dam and construct Dam No. 3.

In consideration of the transfer of all this property to the Ford Co., and the additional expenditure of more than $55,000,000 to complete Dam No. 2 and construct Dam No. 3, on which no work whatever has been done on any of the 14,000 acres of necessary overflow lands acquired, the Ford Co. agrees to pay 4 per cent annually as rental on the cost of finishing Dam No. 2 and building Dam No. 3, excluding, however, the $17,000,000 heretofore invested in Dam No. 2. The lease is to run a period of 100 years. The full 4 per cent rental, however, will not begin until six years after the acceptance of the contract.

The company also agrees to contribute $55,000 annually for repairs, maintenance, and operation of the dams, gates, and locks, "it being understood that all necessary repairs, maintenance, and operation thereof shall be under the direction, care, and responsibility of the United States during the 100-year period," but without obligation for any excess cost of repairs, maintenance, or operation of the gates and locks. No obligations whatever is assumed by the company in event any portion or all of either of said dams, the gates, or locks should break down, give way, or blow out. He also agrees to pay semi-annually $23,373 to a so-called sinking or amortization fund, which it shall become the duty of the Government to compound over a period of about 100 years estimated in that time to create a fund of $48,000,000 with which the Government may recoup the cost of constructing and equipping the two power dams.

In event the Government does not conclude at the end of 100 years itself to operate the power plants, but to lease or dispose of the same, the Ford Co. is to have the preferred right to renew the lease for the power plants upon such terms as Congress may then prescribe.

The Ford Co., for the benefit of the Government, undertakes to do three things:

1. To maintain nitrate plant No. 2 in its present state of readiness, or its equivalent, for immediate operation in the manufacture of materials necessary in time of war for the production of explosives.
2. That when the national defense shall require "all or any part of the operating facilities at nitrate plant No. 2 for the production of materials necessary in the manufacture of explosives or other war materials" the United States may take over and operate the same.
3. As the principal consideration of his offer, the company expressly agrees continuously for 100 years, except as prevented by reconstruction of the plant or by war, strikes, accidents, fires, or other causes beyond its control, to manufacture nitrogen and other commercial fertilizers. The annual production of such fertilizers shall contain a nitrogen content of at least 40,000 tons of fixed nitrogen.

Section 15 undertakes to bind the Ford corporation to supply the farmer fertilizer at "fair prices and without excessive profits." It provides that the "maximum net profits shall not exceed 8 per cent of the fair actual annual cost of production thereof." For this purpose it attempts to create a board, the majority of whose members shall be nominated by certain farmers' organizations, whose duty it will be to "determine what has been the cost of manufacture and sale of fertilizer products and the price which has been charged therefor, and, if necessary, for the purpose of limiting the annual profit to 8 per cent, as aforesaid, shall regulate the prices at which said fertilizer may be sold by the company."

These are the essential features, obligations, and considerations of the proposed contract between the Government and the Ford corporation.

The direct benefit to the Ford Co. can not be estimated or stated in terms of dollars. Aside from large parcels of real estate, valuable buildings, manufacturing plants thoroughly and completely equipped to begin immediately the operation of a manufacturing industrial center of great magnitude, located in the midst of unlimited raw materials, with railway and water transportation at hand, representing a cost to the American people of $90,000,000 and acquired for the nominal sum of $5,000,000, payable in five installments, he and his successors in interest will enjoy for 100 years the exclusive, unrestricted, and unregulated use of one of the great water-power resources on the continent, developed and equipped with public funds, on which he will in fact pay less than 3 per cent rental with a preferred right to renewal in event the Government does not at the end of 100 years elect itself to operate the power plants.

It must be remembered that the Government ceases upon acceptance of the Ford offer for $5,000,000 to own or exercise any property right at or in connection with the nitrate plants, notwithstanding it has a standing offer of $3,000,000 cash for its interest alone in the Gorgas plant and the transmission line.

The exclusive and unregulated power franchise alone is worth millions of dollars in the open market. Mr. Ford's immense industrial organization during the 100-year period would enjoy a tremendous advantage over other industrial power users, due to the important factor of a very cheap source of power. This water power will continue to increase in value as coal deposits are depleted and the cost of mining advances. The immense secondary power will increasingly become prime power as the flow of the river is regulated by the construction of additional power dams above and the construction of storage reservoirs on its upper tributaries by other parties to meet the growing demand and increased market value of hydropower.

OBLIGATION TO PROVIDE NITRATES IN TIME OF WAR INADEQUATE AND DOES NOT SECURE ANY ADVANTAGE THE GOVERNMENT OTHERWISE DOES NOT HAVE.

Emphasis is placed by the Ford adherents upon the continuing obligations to maintain plant No. 2 in stand-by for the production of nitrates for explosives when the national defense of the United States shall require. His obligation in this respect can not extend beyond the engagements of his contract, which,

it must be noted, limits the duty of his company to respond to the requirements of the United States in an emergency to "all or any part of the operating facilities at nitrate plant No. 2." Section 14 of the fertilizer clause does not in terms require him to operate plant No. 2 for the production of nitrogen for munitions of war. He is required at the most to maintain it in stand-by condition.

The language permits him to operate an equivalent plant or such other plant or plants adjacent or near thereto as he may construct. Subdivision (b) of the same section requires him to maintain nitrate plant No. 2 in its present state of readiness or its equivalent for the production of explosives or materials necessary in time of war. If the cyanamid plant is obsolete, as insisted by many experts, or should become so, and a more simple, direct, and economical process should be employed, or should Mr. Ford rely for nitrogen upon by-product production, as he may do, under the contract, the obligation to turn over to the Government in an emergency the "operating facilities" at plant No. 2 within a very few years may become of very minor importance and of no value in view of the fact that his obligation limits the right of the Government to take over in case of national emergency only the operating facilities at plant No. 2.

The Government in time of war unquestionably has the right to take over any and all properties, plants, or processes either at Muscle Shoals or elsewhere, whether in the hands of Mr. Ford or a number of concerns, in which case its obligation for compensation extends only to a reasonable remuneration to the owners for the use and occupancy thereof. Mr. Ford, in event such an emergency arises, requires the Government not only to protect his company from losses occasioned by such use, but it must return the property in as good condition as when received and also reasonably compensate the company for the use thereof.

He is not required to operate plant No. 2 or maintain plant No. 2, or any plant whatever, in an up-to-date condition or abreast with the advance of science in the fixation of nitrogen from the air, either for fertilizer or explosives. His obligation extends only to its maintenance in stand-by condition or its equivalent. So far as the obligation of the Ford contract extends, regardless of the lavish expenditures of the United States at Muscle Shoals in an effort to provide an independent and a new source of nitrates both for war and for fertilizer, it will during these 100 years be in no better situation than at present. Its investment of millions of dollars under the authority of Congress will be delivered into the hands of one individual or company without condition or reservation of any value or consequence that will advance the art of fixation of nitrogen from the air either for its use or benefit or that of the American people. There is no obligation to modernize the plant, 10, 20, or 50 years hence. Whatever research or expenditures Mr. Ford undertakes to employ, according to subdivision (a) of section 14, is limited to the production of commercial fertilizers by two methods, the electric furnace and industrial chemistry. By such means even now a large portion of our nitrate supply is obtained. Therefore, Mr. Ford assumes no burden to the American people to explore new and untried methods for securing nitrates. The delivery to one individual, on such conditions, of immense war resources of great value constructed under authority of law, the principal object of which was to provide nitrates for explosives by air fixation processes as a means of securing independence of foreign importations, can not be justified on any basis of sound public policy.

THE PECULIAR HISTORY OF THE FERTILIZER PROVISIONS AND THEIR INADEQUACY.

Mr. Ford does not contract either directly or indirectly or by inference to reduce the price of fertilizer, nor does he, contrary to the general idea, agree to extract nitrogen from the air, either for explosives or fertilizers. In terms his company is not required to introduce into the fertilizer output of this country nitrogen from the air in any appreciable quantity. The company may without violence to its agreement, for all that appears in its proposed contract, supply the major portion of the 40,000 tons of fixed nitrogen either from importations or from by-product production purchased in the open market or from its own plants, and thus defeat the very purpose which it is in the popular mind that at Muscle Shoals, as a result of the Ford offer, a new and additional supply of air nitrogen will be provided for fertilizer purposes. The only obligation is "to manufacture nitrogen and other commercial fertilizers, mixed or unmixed, and with or without filler, at nitrate plant No. 2, or its equivalent, or at such other plant or plants adjacent or near thereto as it may construct." This is said without reference to quantity, so far as the obligation to manufacture nitrogen and other commercial fertilizers extends. The peculiar language of section 14, as regards the quantity of nitrogen, is that "the annual production of these fertilizers shall have a nitrogen content of at least 40,000 tons of fixed nitrogen."

It must be borne in mind that, regardless of the enormous increase in fertilizer consumption for the next 100 years, the minimum requirements of the Ford offer is that the annual production of fertilizers by his company at or adjacent to Muscle Shoals, not from the air, shall have a nitrogen content of 40,000 tons. Doctor Whitney, of the Department of Agriculture, testified before the congressional committee touching the Ford offer that the normal increase in fertilizer consumption in the United States is about 7½ per cent per annum, and that whereas annual consumption now is from seven to eight million tons, except for the war and recent high prices it would be from ten to twelve million tons. The Ford contract assumes no obligation to keep pace with the enormous increased demand by a corresponding increase in production at Muscle Shoals. He is not required to apply to this minimum production any specific amount of the power acquired at Dams 2 or 3. If through by-product production from his various plants he will construct in that community he is able to secure a minimum of 40,000 tons of nitrogen for fertilizer, his company has performed its obligation and is perfectly free to appropriate to its private, exclusive, and unregulated use all the water power to be developed at Muscle Shoals at Government expense.

Any improvement in the art of nitrogen fixation, whether by the use of hydropower or otherwise, Mr. Ford is under no obligation to employ, except as the result of his own research, limited to electrical-furnace methods or industrial chemistry. In the meantime the Government has for 100 years denied itself or any citizen other than Mr. Ford the opportunity to employ the power or the facilities it has constructed for the production of nitrates for explosives or fertilizer, whether by present methods, their improvement, or new methods brought forward by anyone other than Mr. Ford through the electrical furnace or by industrial chemistry.

1. NEITHER ACCEPTANCE OF FORD OFFER NOR GOVERNMENT OWNERSHIP AND OPERATION AT MUSCLE SHOALS NECESSARY.

The gentleman from Illinois [Mr. MADDEN] bases his entire argument on the assumption that in adopting a policy relating to Muscle Shoals the Government must either engage in the development and operation of a fertilizer business itself or accept the offer of Henry Ford for the property upon the identical terms proposed by Mr. Ford without change or alteration. This is an extraordinary proposition. Even if the Government were planning to accept the services of Mr. Ford for the purposes of carrying out the general plan of the national defense act, as stated by Mr. MADDEN, there should be and is ample justification for the closest scrutiny of the terms, and unless Mr. Ford is to be allowed to dictate to Congress and the country in the most arbitrary manner every line of the proposed contract should be carefully scrutinized and the public interest safeguarded by suitable amendments.

It is true that certain proponents of the Ford offer have insisted from the first that the offer was not subject to amendment, but it has already been many times amended, and it is now admitted by them that the amendments were beneficial. No public official assuming to deal with the matter impartially has heretofore taken the position now occupied by Mr. MADDEN of presenting the Ford offer on the one hand and Government operation on the other as the only possible alternatives.

The bill embodied in the majority report of the Military Affairs Committee of the House of Representatives, though providing for a contract with Mr. Ford, requires substantial amendment of the Ford offer.

The gentleman from Illinois [Mr. MADDEN] passes over without the slightest attention the policy recommendation set forth in the minority report of the Military Affairs Committee, concurred in by a majority of the Republican members of the Military Affairs Committee, which is as follows:

> The Secretary of War should be authorized and directed to ask for further propositions for Muscle Shoals. Neither nitrate plants No. 1 nor No. 2 should be sold. They cost the taxpayers of this country too much money. They ought to be leased, together with the hydroelectric power created by dam No. 2, but this lease ought to be made under the Federal water power act. The Government would then have absolute authority and control over the lessees and their products. In this way no one man or set of men could have the entire benefit of this great project at that place. Then the Government could regulate the production of fertilizer on the part of the lessee or any other manufactured articles that the lessee would see fit to make.

This sane suggestion contains no proposal for Government operation of the plants in peace times, but avoids the grant of a vast monopoly on unconscionable terms to Mr. Ford.

In the report made at the instance of Mr. Bernard M. Baruch by L. L. Summers, an engineer, the courses open to the Government are summarized as follows:

First. That the Government retain the property as it now stands as a reserve for war purposes, expending each year only sufficient money for the upkeep.

Second. The Government to complete the dams, thereby endeavoring to make it possible to operate the plant commercially in competition with private industry.

Third. The Government to wreck the plant and salvage the material, abandoning, therefore, any possibility of cheap hydraulic power at this time or the improvement of navigation of the Tennessee River.

Fourth. The sale of the property to a group interested in the different industries capable of being developed at this plant.

Fifth. The Henry Ford proposition.

Admitting that the second and third propositions are inadmissible, the summary amply illustrates the absurdity of the position of Mr. MADDEN in assuming that the Government must choose between the Ford offer—which Mr. Summers describes as "ridiculous as to price"—and objectionable Government operation.

Mr. MADDEN has consequently made a fundamental error in the very inception of his discussion of Muscle Shoals by assuming that the question can be determined by balancing the advantages of the Ford offer against Government ownership and operation of fertilizer works. He has therefore made a totally incorrect analysis of the Muscle Shoals situation, which has resulted in a mere argument in favor of the Ford offer rather than a deliberate and impartial decision with all the factors of the problem taken into account.

2. FORD OFFER VIOLATES PRINCIPLES OF FEDERAL WATER POWER ACT.

In 1920, after many years of deliberation, Congress passed the Federal water power act, dealing with the use of water-power sites in navigable streams and on the public domain by private parties under Federal and State regulation. The act embodies the policy of the Government and should be strictly adhered to. The report of the Committee on Agriculture and Forestry of the United States Senate (S. Rept. 831, 67th Cong., 2d sess., p. 19) contains the following:

Mr. Ford's offer is that Dams No. 2 and No. 3, when completed, together with all of the abutting property, shall be leased to this corporation for a period of 100 years. This provision of itself ought to be sufficient reason for the unqualified rejection of the offer. The question of the development of water power on our navigable streams has received a great deal of attention at the hands of Congress. For a great many years the question was debated not only in Congress but all over the country. The discussion finally culminated in the passage of the existing water-power act, which fixed the leasing term at 50 years.

Congress owes something to the generations that shall follow. It has no moral right to provide by law for the giving away of rights and privileges that belong to future generations. We have no moral right to mortgage unborn generations by giving special rights and privileges to corporations to make millions of dollars out of property that belongs to all of the people. The power that can be developed from our navigable streams belongs to the public. No man or corporation ought to be given an unlimited right to the use of power developed on navigable streams. No one can foresee what the conditions will be in 40, 50, or 100 years. The indications are that water power will continue to increase in value and that if the water power of our streams is given away to corporations without regulation and for unlimited lengths of time, they will be able to monopolize and control the commercial world of the future to the detriment and the oppression of millions of our fellow citizens yet unborn. To compel by law now unborn generations to surrender their rights to the power that God Almighty has placed in our streams and to give that power away to corporations, especially when they can not be regulated or controlled in any way, will meet the condemnation of those who follow us.

To lease this valuable water power to this corporation as proposed in the Ford offer would in effect repeal our water power act. If this offer is accepted, it will be unfair to the water-power men who, after the long fight over the conservation of our water-power resources, have accepted the water power act. It makes the water power act in effect a scrap of paper. We must take human nature as it is, and it is practically certain that every corporation that has heretofore made leases under the water power act for the development of water power will be clamoring at the doors of Congress for a modification of their leases and the extension of the time from 50 to 100 years. And why should they not? If we make a 100-year lease to Mr. Ford's corporation, are we not in honor bound to make a 100-year lease to Mr. Rockefeller's corporation? It can not be claimed in defense that we can afford to do this because of the confidence which the American people have in Mr. Ford and the lack of confidence they have in some of his comultimillionaires. We are not dealing with men; we are dealing with a corporation as unrestrained and as unlimited and as unregulated as any pirate that ever sailed the seas. Mr. Ford will have at best but a very few years of connection with this corporation; but, notwithstanding this fact, why should we be more lenient with a corporation organized by one man than another? Why should we say because a man is good or great, and in whom we have confidence, that we should give him a special privilege, a particular inheritance, that we would give to no one else? Conceding all of the virtues to Mr. Ford that his friends claim in his behalf, is that any reason why a corporation organized by him should be given a privilege of extreme and almost unlimited value that we refuse to extend to any other corporation? Has it come to this that the honest and upright citizen can come to Congress and claim that contracts made for ordinary men shall not apply to him? Have we reached the point that we are going to permit good men to capitalize their virtue and be paid a premium for it out of the Treasury of the United States?

Have we reached a point in our civilization that we are willing to mortgage the inheritance of future generations to corporations that are formed by men who are honest, but who insist that their corporations should be absolutely unregulated for a period of 100 years? Can virtue and uprightness be given a special privilege without doing an injustice to the public? Should a municipality permit a Christian to charge a higher rate for lighting the homes of the city than it would permit an infidel to charge? One of the outstanding features of every just government is that its laws should apply to all of the citizens alike, and it is seldom that citizens who are honest and who have lived a life of uprightness ask the State to permit the capitalization of their reputation by having laws passed that will give them special privileges over the ordinary citizen. There is no attempt made in Mr. Ford's offer to claim that this corporation which he will organize, and which will be the beneficiary of this great gift, will be any better than any other corporation. He is not claiming the many things that are claimed in his behalf by many of those who are spreading the wonderful propaganda over the country demanding that Congress shall accept his offer.

If there were no other reason for rejecting this offer, it ought to be rejected for this one provision alone, and if it is accepted with this provision in it, then Congress ought to lay down the bars and permit any organization organized by any other person to have the same privilege and the same right of a lease for 100 years of complete and unregulated control of power developed from our navigable streams. It is important also to note that this 100-year lease under Mr. Ford's proposition does not begin to run until the construction of Dam No. 2 is completed and until equipment for at least 100,000 horsepower are constructed and installed and ready for service, so that the 100-year period, as a matter of fact, is in reality more than 100 years.

In the view submitted by the minority members of the Military Affairs Committee of the House (H. Rept. 1084, 67th Cong., 2d sess., p. 8) the minority members said:

We desire to direct the attention of the House to the fact that only a short while ago the Congress of the United States passed a water power act that provided, among other things, that no lessee, after the passage of said act, could be given a water-power privilege in any of the waters of the United States for a lease period covering more than 50 years. The Federal water power act further provides that all lessees of water power shall be surrounded by certain governmental restrictions as set forth in said act. It even goes so far as to restrict the profits the lessee can make on whatever his produce may be. It will be noticed that if Mr. Ford's offer is accepted, he will be given a lease covering a period of 100 years, commencing from the day of the finishing of the work of said dams and said power houses and the installing of the machinery therein. He is restricted only in two things, namely, if he can make fertilizers at a profit he will not charge a benefit for himself to exceed 8 per cent per annum on the cost of production. It must, however, be remembered that this company is not to engage in the manufacture of fertilizer except as a side issue. The other restriction is that he shall keep nitrate plant No. 2 in a stand-by condition, ready to be turned over to the Government in case of war.

According to the statements of his own representatives, the manufacturing of fertilizer will be a small part of his activities there provided this gigantic plant is turned over to him. These representatives say that he will engage in the general manufacturing business, and all through their testimony, let it be remembered, they say that he will only make fertilizer provided he finds it to be profitable to his concern. He will manufacture, perhaps, automobiles, surely parts for automobiles, plows, harrows, and other farm implements.

VIOLATION NATIONAL POLICY FEDERAL WATER POWER ACT.

Owing to numerous attacks upon the Federal water power act a committee was recently organized, known as the National Committee for Defense of the Federal Water Power Act. Among the members of this committee are: Ex-Secretaries of the Interior Walter L. Fisher and James R. Garfield, ex-Secretaries of War Henry L. Stimpson, Lindley M. Garrison, and Newton D. Baker, and David F. Houston. Among the other members are Gov. Gifford Pinchot, of Pennsylvania; Gov. Henry J. Allen, of Kansas; Mr. Herbert Knox Smith, former Commissioner of Corporations; Gov. John M. Parker, of Louisiana; Mr. Philip P. Wells, ex-counsel for the Interior Department; Mr. Henry P. Graves, ex-Chief Forester of the United States. The committee contains nearly all of the former Government officials who administered the laws of the United States in respect to the use of water-power sites in navigable streams and on the public domain prior to the passage of the Federal water power act. In a public statement by the counsel of the committee, Mr. Philip F. Wells, the committee said concerning the Ford offer:

If this proposal were accepted by Congress every corporation which has or desires a water-power privilege would demand a lease on Mr. Ford's terms; and how could they be denied? The acceptance of his offer would be a deadly blow to the application of the principles of conservation to the use of water power.

The water power act of 1920 embodies those principles, and thereby protects the public interest in securing full development without having to pay monopoly profits. It does this by requiring:

"1. That every water-power lease shall be limited to a maximum of 50 years.

"2. That the lessee shall pay the Government a small rental for the power privilege when he builds his own dam and other works, and a larger and fair rental when he uses works constructed by the Government.

"3. That the lessee must submit to regulation by State authority, or if there is no State authority by the Federal Power Commission, of the services he renders and the prices he charges for light and power.

"4. That any excess profits over a fair, liberal return on the actual investment shall be made over to the public in the form of a reduced price for the lessee's works at the end of his 50-year term.

"5. That States and cities have first call on power sites."

None of these requirements would be imposed under the Ford offer, acceptance of which by Congress would therefore be practically tantamount to a repudiation of the Federal water power act.

In a formal statement dealing with the Ford offer one of the members of the committee, Mr. Herbert Knox Smith, said:

Its real vice is that it smashes straight through the vital principles of the Federal water power act for the protection of the public.

1. It is a grant for 100 years.

2. It provides for no rental payments whatsoever for the use of the site, and only an absurdly small rental for the use of the works built with Government money.

3. There is no provision whatsoever to prevent the making of excessive profits on the Ford Co.'s actual investment, nor to require any transfer of such excess to the public.

4. There is no regulation whatsoever of the distribution or use of the power.

5. There is no provision that it shall be used for public service in any way.

6. The Ford Co. is not required in any way to contribute to the cost of storage reservoirs hereafter built upstream. Such reservoirs would enormously increase the value of the Ford Co.'s site, and the Government is now making a survey for such storage development.

Now, $85,000,000, more or less, lost once, while it sounds large to most of us, is not vital in a nation's life. But to break down the great principles that protect our eternal water powers, to which more and more we shall have to turn for the power that drives our industries; to rob indefinite future generations of the protection which we now have on water power and have lost on our other resources; and to do this when our chief other source of power, the coal mines, is becoming more and more of a critical problem—a problem that at this moment is at least brought home to the citizen by his empty coal bin—this is nothing short of national insanity.

These vital considerations were not even alluded to by Mr. MADDEN in his analysis of the Muscle Shoals situation.

3. FORD GUARANTIES NOT SUFFICIENT.

Mr. MADDEN summarizes the Ford offer in the following terms. He says:

Mr. Ford then agrees—

First. To operate nitrate plant No. 2 in the manufacture of nitrates at its full present capacity, namely, 40,000 tons of fixed nitrogen per annum, for a period of 100 years.

Second. To maintain nitrate plant No. 2 at all times in efficient, modernized operating condition for the use of the Government in time of war.

Third. To provide fertilizer to the full capacity of nitrate plant No. 2, with profit, if any, limited to 8 per cent above the fair actual cost of production.

Fourth. To supply such quantity of fertilizers, mixed or unmixed. An agreement to furnish mixed fertilizer composed of nitrogen, phosphoric acid, and potash will necessitate the erection by Mr. Ford at his own expense of a phosphoric-acid plant at Muscle Shoals, estimated to cost $15,000,000, which the Government would have to do if we should decide to operate ourselves.

Fifth. To research fertilizer production and to employ such improved methods as may be found successful.

Sixth. That the capital of $10,000,000 of the company to be formed shall be liable for the fulfillment of the contract, backed up—please note this—by Mr. Ford's entire personal estate and that of his heirs and assigns.

And Mr. MADDEN adds:

I do not think any of you entertain any question but that the purposes for which the undertaking was authorized will be entirely fulfilled under this offer, and I think you will all agree that the guaranties are wholly adequate. So assuming, I will now address myself to the consideration proposed by Mr. Ford.

The summary itself is incorrect on the face of the record. For instance, there is not a single word in the contract submitted which requires Mr. Ford to manufacture phosphoric acid, much less to spend $15,000,000 or any other sum in the construction of a phosphoric-acid plant.

Mr. MADDEN is wholly in error in this statement.

Nor is Mr. MADDEN's assumption that the so-called guaranties are admittedly adequate borne out by the facts.

In the view of the minority members of the House Military Affairs Committee heretofore quoted, the minority members said:

If this company that is to be formed to take over Muscle Shoals is indeed in earnest about making fertilizers, why is it that Mr. Ford's representatives have always refused to accept a clause in the contract written by the members of the Military Affairs Committee that would make it binding upon him to make fertilizers in all circumstances whatever else he might do with the Muscle Shoals plant? Such a clause was three times prepared by the committee, and it was three times rejected, and the proposal of Mr. Ford that is now before the House was written by his lawyers and contains no clause whatever that would compel his company throughout the 100-year period to manufacture fertilizer unconditionally.

These responsible Members of the House at least did not subscribe to the assumption of Mr. MADDEN that the guaranties are sufficient.

The entire history of the negotiations with Mr. Ford is replete with efforts to secure a binding agreement as to fertilizer, and the record shows that these efforts were skillfully and successfully avoided by Mr. Ford.

The first communication of Mr. Ford on this subject was addressed to Gen. Lansing H. Beach, Chief of Engineers of the United States Army, under date of July 8, 1921. In this letter Mr. Ford offered to organize a company which should agree as follows:

12. If the United States agrees to sell, and the company purchases these several properties, nitrate plants, quarry, steam-power plants, transmission lines, etc., and at prices and on terms mutually satisfactory, the company will operate nitrate plant No. 2 to approximate present capacity in the production of nitrogen and other fertilizer compounds, with the following special objectives:

(a) To determine by research on a commercial scale whether, by means of electric-furnace methods and industrial chemistry, there may be produced fertilizer compounds of higher grade and at cheaper prices than the fertilizer-using farmers have in the past been able to procure, and to determine whether, in a broad way, the application of electricity and industrial chemistry may do for the agricultural industry of the country what they have economically accomplished for other industries.

(b) To maintain nitrate plant No. 2 in a state of readiness to be promptly operated in the manufacture of materials necessary in time of war for the production of explosives.

Secretary Weeks did not consider the above as constituting a binding agreement on the part of Mr. Ford to make fertilizer. His reasons are fully set forth in his testimony before the House Committee on Military Affairs (hearings before the Committee on Military Affairs, House of Representatives, 67th Cong., 2d sess., vol. 1, pp. 28, 29). In the course of this testimony Mr. Weeks reported the following conversation with Mr. Ford:

Mr. WEEKS. * * * I said to him (Mr. Ford), "Will you guarantee to continue to manufacture fertilizer during the life of the contract?" He replied that he would not.

* * * * * * *

I said in effect: "You might stop the manufacture of fertilizer in five years or in any time to the great disappointment of the people down there."

He said: "Of course, I am going to stop if I can not manufacture it profitably."

To meet the objections of the Secretary and to induce him to transmit the proposal to Congress Mr. Ford submitted a modified proposal under date of January 25, 1922, inclosing certain modifications in which the language of the fertilizer paragraph became as follows:

The company agrees to operate nitrate plant No. 2 at the approximate present annual capacity of its machinery and equipment in the production of nitrogen and other fertilizer compounds (said capacity being equal to approximately 110,000 tons of ammonium nitrate per annum) throughout the lease period, except as it may be prevented by strikes, accidents, fires, or other causes beyond its control, and further agrees:

(a) To determine by research whether by means of electric-furnace methods and industrial chemistry there may be produced on a commercial scale fertilizer compounds of higher grade and at lower prices than fertilizer-using farmers have in the past been able to obtain, and to determine whether in a broad way the application of electricity and industrial chemistry may accomplish for the agricultural industry of the country what they have economically accomplished for other industries.

(b) To maintain nitrate plant No. 2 in its present state of readiness or its equivalent for immediate operation in the manufacture of materials necessary in time of war for the production of explosives.

In addition, to meet the further objections of the Secretary of War—as shown by the testimony referred to—Mr. Ford added a new provision to subdivision 19 of his proposal, as follows:

* * * Upon acceptance of the promises, undertakings, and obligations shall be binding upon the United States and jointly and severally upon the undersigned, his heirs, representatives, and assigns, and the company * * *.

The trouble with that is that it still only binds Mr. Ford to organize a company and start it going with $10,000,000. All the other agreements are agreements of the company, limited, of course, by its assets. As the company will pay out $5,000,000 immediately to the Government only half of the $10,000,000 remains at most to guarantee fertilizer production.

Subsequently, during the hearings given by the House Military Affairs Committee, Mr. Ford authorized his representatives further to modify the so-called fertilizer guaranty in the following language (new matter italicized):

The company agrees to operate nitrate plant No. 2 *using the most economical source of power* at the approximate present annual capacity of its machinery and equipment in the production of nitrogen and other *commercial* fertilizers (said capacity being equal to approximately 110,000 tons of ammonium nitrate per annum) throughout the lease period, except as it may be prevented by strikes, accidents, fires, or other causes beyond its control, and further agrees:

(a) To determine by research whether by means of electric-furnace methods and industrial chemistry there may be produced on a commercial scale fertilizer compounds of higher grade and at lower prices than fertilizer-using farmers have in the past been able to obtain, and to determine whether in a broad way the application of electricity and industrial chemistry may accomplish for the agricultural industry of the country what they have economically accomplished for other industries, *and if so found and determined, to reasonably employ such improved methods.*

(b) To maintain nitrate plant No. 2 in its present state of readiness or its equivalent for immediate operation in the manufacture of materials necessary in time of war for the production of explosives.

The modifications did not, however, appear to the committee to guarantee the manufacture of fertilizer nor fulfill the promises frequently made to the committee by Mr. Ford's representatives in their verbal communications.

For example, on February 13 (hearings before the Committee on Military Affairs, House of Representatives, 67th Cong., 2d sess., vol. 1, p. 253), Mr. Mayo, chief engineer for Mr. Ford, testifying before the committee, stated:

Mr. Ford intends to make a complete fertilizer.
Mr. MORIN. He intends to produce a complete fertilizer?
Mr. MAYO. Yes, sir.
Mr. MORIN. Would it be sold in this form to the farmer?
Mr. MAYO. Yes, sir.

It is well known that a complete fertilizer suitable to be sold to the farmer, which is the promise contained in the above quotation from Mr. Ford's representative, contains suitable proportions not only of nitrogen but also of phosphoric acid and potash.

That Mr. Ford's representatives so understood and were leading the committee to believe that Mr. Ford would manufacture a complete fertilizer in due proportions and that to do so he would be obliged to manufacture fertilizer in large quantities is shown in the further testimony of Mr. Mayo, page 308, as follows:

Mr. JAMES. How many tons does he bind himself under his contract?
Mr. MAYO. That all depends on the mixture and whether you carry a filler or not.
Mr. JAMES. About how many—the least number of tons?
Mr. MAYO. In my judgment, it would run from a minimum of possibly 200,000 tons up to a maximum of about 2,000,000 tons, depending upon the class of fertilizer, whether it carried a filler or not, and the proportion it did carry, if any.

Similar assurances were also given by Mr. J. W. Worthington, who appeared before the committee with authority to speak for Mr. Ford. (Hearings, pp. 266, 267, and 279.)

Relying upon these promises, the committee sought to secure from Mr. Ford a similar statement over his own signature. Accordingly the committee drew up and submitted to all the bidders whose proposals had been referred to the committee a set of standard requirements, containing, as to fertilizer, the following:

Inasmuch as the manufacture of commercial fertilizers for our soils and the sale and distribution of the same to the farmers and other users thereof constitute one of the principal considerations of this offer moving to the Government of the United States and its people, the company expressly agrees that it will continuously through the lease period, except when prevented by war, accidents, fires, unavoidable strikes, or acts of Providence, manufacture annually at nitrate plant No. 2, or at such other plant or plants adjacent or near thereto as it may construct, 40,000 tons of fixed nitrogen, and will manufacture the same into complete fertilizer and fertilizer materials, and for that purpose it will manufacture or otherwise procure the remaining necessary additional fertilizer ingredients in sufficient quantities proportional to the said 40,000 tons of fixed nitrogen and mix and blend such fertilizer ingredients, with or without binder and filler, in such proportions as to make properly balanced commercial fertilizer. If during the lease period said nitrate plant No. 2 is destroyed or damaged from any cause, the company agrees to restore such plant within a reasonable time to its former capacity for all purposes. * * *

In reply, Mr. Ford, under date of May 31, 1922, addressed a letter to Hon. JULIUS KAHN, chairman of the committee, in which he ignored the fertilizer guaranty requirements of the committee, and said, after a discussion of a matter immaterial to this issue:

I am sending a final proposal containing all the amendments suggested by the committee to which I can consistently agree.

The final proposal transmitted with this letter contained as to the fertilizer guaranty no acceptance of the requirements of the committee in respect to the inclusion of phosphoric acid and potash in the commercial fertilizer suitable for the use of farmers. In fact, Mr. Ford reverted to the language heretofore offered to the committee and rejected by it as insufficient, evasive, and not binding him to carry out the verbal promises made to the committee by his representatives quoted above. In short, Mr. Ford totally ignored the requirement that he should produce and utilize in connection with the nitrogen manufactured by him sufficient quantities of phosphoric acid and potash.

This reply was, of course, unsatisfactory to the committee, and this fact was made known to the representatives of Mr. Ford. Subsequently upon that day Mr. Ford's representatives met with members of the committee, desiring to reach a common ground of agreement, and the so-called fertilizer guaranty was again modified and finally reduced to the following language, and the next day accepted by the committee by an extremely close vote:

SEC. 12. Since the manufacture, sale, and distribution of commercial fertilizers to farmers and other users thereof constitute one of the principal considerations of this offer, the company expressly agrees that continuously throughout the lease period, except as it may be prevented by reconstruction of the plant itself, or by war, strikes, accidents, fires, or other causes beyond its control, it will manufacture nitrogen and other commercial fertilizers, mixed or unmixed, and with or without filler, according to demand, at nitrate plant No. 2 or its equivalent, or at such other plant or plants adjacent or near thereto as it may construct, using the most economical source of power available. The annual production of these fertilizers shall have a nitrogen content of at least 40,000 tons of fixed nitrogen, which is the present annual capacity of nitrate plant No. 2. If during the lease period said nitrate plant No. 2 is destroyed or damaged from any cause, the company agrees to restore such plant, within a reasonable time, to its former capacity and further agrees:

(a) To determine by research whether by means of electric-furnace methods and industrial chemistry there may be produced on a commercial scale fertilizer compounds of higher grade at lower prices than farmers and other users of commercial fertilizers have in the past been able to obtain and to determine whether in a broad way the application of electricity and industrial chemistry may accomplish for the agricultural industry of the country what they have economically accomplished for other industries; and if so found and determined, to reasonably employ such improved methods.

(b) To maintain nitrate plant No. 2 in its present state of readiness or its equivalent for immediate operation in the manufacture of materials necessary in time of war for the production of explosives.

This is the version set forth in the McKenzie bill (H. R. 11903), which includes the revised proposed Ford contract.

In the version set forth in the McKenzie bill the personal underwriting clause in section 19 is eliminated.

It is the contention of this memorandum that the above history of the so-called "fertilizer guaranty" clauses of the Ford proposal not only exhibits a complete failure to submit an agreement which when accepted by the United States would bind Mr. Ford or even the company organized by him to make fertilizers suitable for the farmer's use at Muscle Shoals; but also exhibits an adroit and skillful avoidance by Mr. Ford of all effort to draw him into such a binding agreement, notwithstanding the repeated intimations and even assertions of his representatives and agents that he would render in fertilizer production a suitable return to the country for favors sought of untold value in the form of Government property bestowed upon him in fee at a nominal price and the use for 100 years of one of the country's greatest natural resources without compensation or restriction and with a renewal privilege making such use practically a perpetual largess from the Government.

This examination of the various steps in the negotiations with Mr. Ford shows that Mr. Ford's proposal in its present form contains no obligation to make fertilizer suitable for the farmers' use, including phosphoric acid and potash, as such a fertilizer requires.

This is self-evident from perusal of the so-called "final offer" as set forth in the McKenzie bill. Mr. Ford originally chose this method.

The McKenzie bill entirely omits the personal-liability clause above referred to, though that clause itself, as shown, is fatally defective.

The idea of some personal liability was first introduced in the second proposal transmitted to Secretary Weeks. The wording was (subdivision 19):

Upon acceptance, the promises, undertakings, and obligations shall be binding upon the United States and jointly and severally upon the undersigned, his heirs, representatives, and assigns, and the company.

Secretary Weeks referred to this (hearings, p. 28) as only a partial remedy. He construed the language as providing that proceedings could be brought against Mr. Ford, but added:

Now, just what those proceedings would amount to in case he stopped manufacturing fertilizer, except a matter of damages against him or against the company, I am not very clear. * * * That is something that the committee may well take under consideration, but I did suggest that it seemed to me that there should be a forfeit in case of a failure to carry out that part of the agreement, because in my conversation with Mr. Ford I said to him: "Will you guarantee to continue to manufacture fertilizer during the life of this contract?" He replied that he would not. I said: "Will you agree to invest a certain definite amount of money in the manufacture of this fertilizer?" and he said he would not. Now, of course, he does, in effect.

I said, then, in effect: "You might stop the manufacture of fertilizer in five years or in any other time to the great disappointment of the people down there," and he said: "Of course, I am going to stop if I can not manufacture it profitably."

Now, that being the case, and that idea being apparently in his head, it seems to me there should be some kind of forfeiture in case he fails to carry out this part of the agreement relating to the manufacture of fertilizer.

Mr. Ford is getting on in years. He is not going to be here many years, and no one knows what form his estate will be left in; and I think there should be a suitable guaranty that that part of this agreement is to be carried out in good faith by his successors without the necessity of bringing suit for damages.

The claim does not even appear in the McKenzie bill. In the version there set forth Mr. Ford agrees to form a company and provide it with $10,000,000. Half of this will immediately be paid to the United States in exchange for property transferred in fee. Five million dollars will remain as the sole guaranty of the performance of the company's obligation. The company may fail utterly without affecting Mr. Ford's fortunes. He is exempt from liability. His estate is exempt. His heirs are exempt. What risks there are he takes to the extent of $10,000,000. His liability is specifically limited by the familiar instrumentality of a corporation provided by our laws for the purpose of avoiding extension of personal liability.

However, in spite of Mr. MADDEN's assumption, the obligation upon Mr. Ford's company to make fertilizer is expressed in terms raising grave doubt as to their binding character.

As shown in the foregoing, Mr. Ford's personal liability in the Muscle Shoals proposal, if any is involved, is specifically limited by the device of causing the agreement to be made by a subsidiary corporation of limited capital. Moreover, the language of the "final offer" respecting fertilizer is such as to at least throw grave doubt upon its binding character.

It should be noted in the first place that the sole obligation of the company is contained in the fertilizer section. Mr. Ford's company does not even purport to promise anything else. Vast power resources are turned over to the company practically forever without compensation, but Mr. Ford makes no undertaking to use these enormous power resources for any public purpose whatever. Nor does his company. The power resources are to be exploited unrestrictedly for the private use of Mr. Ford and his company. The public has no reservation of use; Mr. Ford has no restriction of profit. He does not have to furnish power for public service. He does not have to share his profits with the public. In short, all the rest of the contract is for Mr. Ford.

Consequently, the liabilities undertaken, if any there are, must be found in the engagements of the company—not Mr. Ford—with respect to fertilizer.

As above quoted, this section of the proposal contains the following significant words:

* * * The company expressly agrees that continuously throughout the lease period, except as it may be prevented by reconstruction of the plant itself, or by war, strikes, accidents, fires, or other causes beyond its control, it will manufacture, * * *

This is the language to which a magnifying glass should be applied. This is the only obligation in the contract, and it is to be carried out "unless prevented by (1) reconstruction of the plant, (2) war, strikes, accidents, fires, or (3) other causes beyond the company's control."

It could probably be contended that the words "or other causes beyond the company's control" would furnish the company an excuse for discontinuing fertilizer manufacture in case market conditions rendered further manufacture unremunerative. There is a clause in the proposal which will be discussed hereafter which indicates that the idea in this business is that Mr. Ford shall have a profit of 8 per cent. Reading the proposal as a whole, a falling market "beyond the control" of the company might easily be considered as relieving it of its obligation, especially as Mr. Ford clearly stated in the process of negotiation that he intended to quit if fertilizer making proved unprofitable. The rule of law is familiar and admits of this interpretation. (United States *v.* Mescall, 215 U. S. 26.)

But for the purposes of this argument it is sufficient to point out that the words of limitation introduce a grave doubt as to the binding character of the obligation. Why are those words there at all? They were not in the original offer, when Mr. Ford agreed only to experiment awhile with the fertilizer plant. They were introduced when he was compelled to "offer" to run the plant "continuously during the lease period." Since then, though several times stricken out by the committee, they have reappeared when Mr. Ford was heard from. These words must be assigned a meaning. They could not be passed over—ignored—in any proper construction of the language under scrutiny; far less can they be regarded as negligible, in the face of the history of this clause, its frequent modification, Mr. Ford's persistence in retaining them against objection.

There is another obscure phrase in this same critical section. The company must make fertilizer unless prevented "by the reconstruction of the plant." What do these words mean—under the microscope? Do they mean that by causing the plant to be reconstructed for use in some other production the obligation to make fertilizer can be avoided? Possibly this is an extreme construction; but what do they mean and why are doubtful words permitted in so crucial a section?

When it is considered that in this section alone is to be found whatever the company gives of real value for the almost priceless favors bestowed on Mr. Ford, the importance of every word in this section is emphasized. On examination, the present language is found to be vague, uncertain, evasive, and at least possibly destructive of that entire portion of the structure in which the public alone is interested.

Even if contract is performed, effect upon fertilizer prices is uncertain and there is no suggestion of agreement to lower fertilizer prices. The proposed contract will be searched in vain for any section, clause, or phrase which guarantees or even promises a reduction in the price of fertilizer to the farmer. As in the case of the so-called "fertilizer guaranty" the verbal representations of Mr. Ford's representatives and Ford "offer" propagandists have suggested, implied, intimated, and even promised that "the farmer's fertilizer bill will be cut in half," and so forth. The quoted phrase in particular has been press-agented throughout the country.

But the only subdivision of the proposed contract dealing with this subject at all is subdivision 15, as follows:

SEC. 15. In order that farmers and other users of fertilizers may be supplied with fertilizers at fair prices and without excessive profits, the company agrees that the maximum net profit which it shall make in the manufacture and sale of fertilizer products shall not exceed 8 per cent of the fair actual annual cost of production thereof. In order that this provision may be carried out, the company agrees to the creation of a board of not more than nine voting members, chosen as follows: The three leading representative farm organizations, national in fact, namely, the American Farm Bureau Federation, the National Grange, the Farmers' Educational and Cooperative Union of America, or their successor or successors, said successor or successors to be determined in case of controversy by the Secretary of Agriculture, shall each designate not more than seven candidates for said board in the first instance and thereafter, for succession in office, not more than three candidates. The President shall nominate for membership on this board not more than seven of these candidates, selected to give representation to each of the above-mentioned organizations, said nominations to be made subject to confirmation by the Senate, and there shall be two voting members of said board selected by the company: *Provided*, That not more than one shall be nominated by the President from the same State; that if the Senate shall not confirm all of said seven nominees the President shall send additional names from the said list of candidates until the Senate shall have confirmed seven: *Provided further*, That if either or any of said farm organizations or its or their successors by reason of the expiration of its or their charter or ceasing to function or failing to maintain its organization, or for any cause or reason should decline, fail, or neglect to make such designations, then the Secretary of Agriculture shall make such designation or designations for such or all of said organizations as may so decline, fail, or neglect to make such designation; and if such designation is made by the Secretary of Agriculture for only one or two of said organizations, then such designation shall be made so as to give the remaining organization or organizations the same right and in the same proportion to designate candidates for said board as in the first instance and just as though all of said organizations were making such designations: *Provided, however*, That a failure to make designation at any one time shall not thereafter deprive any organization of its original rights under this section: *And provided further*, That the terms of office of the first seven candidates nominated by the President and confirmed by the Senate on the designation of said farm organizations shall be as follows: Two for a period of two years, two for a period of four years, and the remaining three for a period of six years, and thereafter the nominations for membership on said board made by the President, except for unexpired terms, shall be for six years each. None of the members of said board shall draw compensation from the Government, except that any which may be nominated and confirmed on the designation of the Secretary of Agriculture under the provisions hereof shall receive from the Government their actual expenses while engaged in work on said board.

A representative of the Bureau of Markets, Department of Agriculture, or its legal successor, to be appointed by the President, shall also be a member of the board serving in an advisory capacity without the right to vote. The said board shall determine what has been the cost of manufacture and sale of fertilizer products and the price which has been charged therefor, and, if necessary for the purpose of limiting the annual profit to 8 per cent as aforesaid, shall regulate the price at which said fertilizer may be sold by the company. For these purposes said board shall have access to the books and records of the company at any reasonable time. In order that such fertilizer products may be fairly distributed and economically purchased by farmers and other users thereof, the said board shall determine the equitable territorial distribution of the same and may in its discretion make reasonable regulation for the sale of all or a portion of such products by the company to farmers, their agencies, or organizations. If and when said board can not agree upon its findings and determinations, then the points of disagreement shall be referred to the Federal Trade Commission (or its legal successor) for arbitration and settlement, and the decision of said commission in such cases shall be final and binding upon the board.

This subdivision promises nothing in the way of fertilizer price reduction. But it is interesting; what it does promise is a profit of 8 per cent to Mr. Ford. The board which is created has no power to deal with the price Mr. Ford asks for his fertilizer product unless Mr. Ford is selling it at a cost netting him more than 8 per cent on the cost of production. Not an annual 8 per cent on his investment; 8 per cent on the cost of production. This might be any per cent—8, 10, 12, 15, or 20 per cent annually on his investment.

But the board created by the proposed act can not function at all as to prices unless Mr. Ford has his 8 per cent on the cost of production. Even then it could only make a reduction to the point of Mr. Ford's 8 per cent profit on the cost of production, which, as stated, might be any per cent annually on his investment.

(NOTE.—The use of the word "annual" in the 8 per cent clause quoted above is meaningless, as the same working capital or investment might be several times "turned over" during the annual period.)

A practical guaranty of 8 per cent profit to Mr. Ford of no fertilizer manufacture is the real meaning of his proposal. The fact that the so-called price-fixing subdivision of this proposed contract really contains nothing definite except the promise of 8 per cent profit for Mr. Ford was apparently not accidental. In his testimony before the Senate Committee on Agriculture on May 1, 1922, Mr. Ford's personal representative, Mr. Mayo, being pressed by Ford supporters on the committee to say something definite on the price of fertilizer to farmers, bluntly retorted:

Mr. MAYO. The public is entitled to the fertilizer as cheaply as we can make it out of the best process that we can make it, plus 8 per cent profit.

If Mr. Ford's offer is to be the basis of a Government policy at Muscle Shoals, the so-called fertilizer guaranty (subdivision 14) should be rewritten in the terms proposed by the House committee and summarily rejected by Mr. Ford, which contains the following:

Inasmuch as the manufacture of commercial fertilizers for our soils and the sale and distribution of the same to the farmers and other users thereof constitute one of the principal considerations of this

offer moving to the Government of the United States and its people, the company expressly agrees that it will continuously through the lease period, except when prevented by war, accidents, fires, unavoidable strikes, or acts of Providence, manufacture annually at nitrate plant No. 2, or at such other plant or plants adjacent or near thereto as it may construct, 40,000 tons of fixed nitrogen, and will manufacture the same into complete fertilizer and fertilizer materials, and for that purpose it will manufacture or otherwise procure the remaining necessary additional fertilizer ingredients in sufficient quantities proportional to the said 40,000 tons of fixed nitrogen and mix and blend such fertilizer ingredients, with or without binder or filler, in such proportion as to make properly balanced commercial fertilizer. If during the lease period said nitrate plant No. 2 is destroyed or damaged from any cause, the company agrees to restore such plant within a reasonable time to its former capacity for all purposes * * *.

Subdivision 15 should also be rewritten in conformity with the above and should read as follows (new matter in italics):

SEC. 15. In order that farmers and other users of fertilizers may be supplied with fertilizers at *lower* prices *than those prevailing at the time of the making of this contract*, the company agrees to the creation of a board of not more than nine voting members, chosen as follows: The three leading representative farm organizations, national in fact, namely, the American Farm Bureau Federation, the National Grange, the Farmers' Educational and Cooperative Union of America, or their successor or successors (said successor or successors to be determined in case of controversy by the Secretary of Agriculture), shall each designate not more than seven candidates for said board in the first instance and thereafter, for succession in office, not more than three candidates. The President shall nominate for membership on this board not more than seven of these candidates, selected to give representation to each of the above-mentioned organizations, said nominations to be made subject to confirmation by the Senate, and there shall be two voting members of said board selected by the company: *Provided*, That not more than one shall be nominated by the President from the same State; that if the Senate shall not confirm all of said seven nominees the President shall send additional names from the said list of candidates until the Senate shall have confirmed seven: *Provided further*, That if either or any of said farm organizations or its or their successors by reason of the expiration of its or their charter or ceasing to function or failing to maintain its organization or for any cause or reason should decline, fail, or neglect to make such designations, then the Secretary of Agriculture shall make such designation or designations for such or all of said organizations as may so decline, fail, or neglect to make such designation; and if such designation is made by the Secretary of Agriculture for only one or two of said organizations, then such designation shall be made so as to give the remaining organization or organizations the same right and in the same proportion to designate candidates for said board as in the first instance, and just as though all of said organizations were making such designations: *Provided, however*, That a failure to make designations at any one time shall not thereafter deprive any organization of its original rights under this section: *And provided further*, That the terms of office of the first seven candidates nominated by the President and confirmed by the Senate on the designation of said farm organizations shall be as follows: Two for a period of two years, two for a period of four years, and the remaining three for a period of six years, and thereafter the nominations for membership on said board made by the President, except for unexpired terms, shall be for six years each. None of the members of said board shall draw compensation from the Government except that any which may be nominated and confirmed on the designation of the Secretary of Agriculture under the provisions hereof shall receive from the Government their actual expenses while engaged in work on said board.

A representative of the Bureau of Markets, Department of Agriculture, or its legal successors, to be appointed by the President, shall also be a member of the board serving in an advisory capacity without the right to vote. The said board shall determine what has been the cost of manufacture and sale of fertilizer products and the price which has been charged therefor, and, if necessary for the purpose of securing a lower price for the farmer consumers of fertilizer, shall regulate the price at which said fertilizer may be sold by the company. For these purposes, said board shall have access to the books and records of the company at any reasonable time. In order that such fertilizer products may be fairly distributed and economically purchased by farmers and other users thereof, the said board shall determine the equitable territorial distribution of the same and may in its discretion make reasonable regulation for the sale of all or a portion of such products by the company to farmers, their agencies, or organizations. If and when said board can not agree upon its findings and determinations, then the points of disagreement shall be referred to the Federal Trade Commission (or its legal successor) for arbitration and settlement, and the decision of said commission in such cases shall be final and binding upon the board.

EXCLUSIVE PERMANENT OWNERSHIP AND OPERATION NOT NECESSARY TO EFFECT THE PUBLIC OBJECTIVES TO BE SECURED AT MUSCLE SHOALS.

The original authority of section 124 of the national defense act of June, 1920, contemplated "the production of nitrates and other products for munitions of war and useful in the manufacture of fertilizers and other useful products by water power or any other power," as in the judgment of the President is best and cheapest. The President was directed to use the products of such plants as might be constructed for military and naval purposes to the extent necessary and to sell and dispose of the surplus under such regulations as may be prescribed. This is the law now applicable to the Muscle Shoals project. This is Government operation. The law specifically prohibits their operation in conjunction with any industry or enterprise carried on by private capital.

It is apparent to anyone who has taken the time to make even a superficial investigation that methods, means, or processes for atmospheric fixation of nitrogen have not been simplified or standardized so that nitrogen may be extracted from the air for use either as explosives or as a component part of fertilizer in commercial quantities, although scientists and experts are agreed that the studies and investigations going on throughout the world will in a few years make it possible for capital to engage in the business on a basis that will justify the production of nitrates as a permanent and independent industry.

The Congress has determined to complete the power development at Wilson Dam at an additional cost of about $25,000,000, which, added to the $17,000,000 already expended, will bring the total cost for power development to $42,000,000. The total Government investment at Muscle Shoals will then be about $132,000,000.

The entire project will then have every facility and will in every respect offer the greatest opportunity for the Government to lend its assistance not only through the efforts of its own agencies but at nominal cost, and in a practicable and comprehensive manner it will be in position to afford any citizen, company, or association the opportunity to demonstrate the practicability of methods and processes brought forward from time to time by scientists and experts. In either event the Government itself, to the extent the public good and the best interest of the Government requires, may employ such methods or, if such a course appears best, it may from time to time and for limited periods lease such of its plants or facilities and provide the necessary power for the production of nitrates, both for explosives and fertilizer or other useful products, under proper restrictions and reservations as may be necessary to protect and preserve the interests of the Government and the regulation and control of the price of the products to the ultimate consumer.

Rather than transfer title to its immense facilities at Muscle Shoals and lease its entire hydropower for 100 years to one corporation under conditions, viewed in the most favorable light, of doubtful propriety or wisdom, is it not the better policy for the Government not only to provide adequate facilities for its own investigations but for any citizen who may come forward with an offer or plan which has promise of merit looking to the operation of a portion or all of these facilities on a basis that will insure the greatest good to the greatest number?

There is every reason to expect that American business, American ingenuity, and American capital would sooner or later, encouraged and assisted by the Government, work out some means or process of nitrogen fixation that will revolutionize the entire nitrate industry.

Under such a policy the Government could dispose of its surplus material and property and lease the surplus power for distribution to municipalities and the industrial development in the States adjoining, with necessary reservations to recall any or all the hydropower that from time to time may be necessary for the production of nitrates for explosives and for fertilizer. Through this very sensible and businesslike course the Government would properly receive an adequate and continuous return upon its investment in hydropower production without special favor or discrimination and under public regulation. All the evidence justifies the assumption that the power market demand would immediately absorb the entire output at Wilson Dam.

TO ACCEPT THE FORD OFFER WOULD REQUIRE THE GOVERNMENT TO REPUDIATE ITS CONTRACT.

The Ford offer as amended obligates the Government to assign and transfer to the company all rights, title, interest, powers, and benefit belonging to or that may accrue to it by reason of its contract with the Alabama Power Co., under which the Gorgas plant and the Sheffield transmission line was constructed. Briefly, the facts are that at the time and under the stress of war the Government found itself in immediate need of large blocks of power, which could not be obtained other than from the Alabama Power Co., a public-service corporation in Alabama engaged in the generation and transmission of power to industries and municipalities throughout a major portion of the territory of that State. Under the conditions the company was not able to respond to the request of the Government for power and continue to provide energy to municipalities and numerous industries in the State engaged in the production of essential war material. This situation was quite apparent to the officers of the Government. Notwithstanding this fact, it was imperative that it secure for construction purposes and have recourse to a large quantity of power with which to prosecute with expedition the construction of its plants at Muscle Shoals and their operation pending the construction of its own steam plant and a water-power dam. This the officers of the Government realized would require time. They appealed to the Alabama Power Co. for assistance.

The company was unable, as was every public-utility concern during the war, to secure funds or even material, in the absence of priority orders, for the enlargement of its power resources.

Whereupon officers of the War Department agreed to advance funds with which power facilities could be provided. It so happened that at Gorgas on the Warrior River, 90 miles south of Muscle Shoals, the Alabama Power Co. had constructed an auxiliary steam plant at a location where two important factors existed—water in abundance and large coal deposits. It had planned and laid the foundation for three power units as an auxiliary to its hydroelectric system. One unit had been completed and in operation. The Government contracted to furnish funds with which to construct at once an additional and a larger unit than the company had planned to meet its future requirements, and also to provide the funds with which to construct a transmission line to Sheffield. The contract recognized that the lands upon which these facilities were to be constructed would belong to the company and that the facilities for generating and transmitting power, constructed with Government funds, should remain the property of the Government as security for its investment therein pending the time when the Government would provide its own power requirements and relinquish to the company the facilities constructed on their lands. The contract recognized the equities of the situation and the injustice that would be done the company if it were to retain and operate these generating and transmission facilities as a going concern or dispose of them to anyone else than the company. It therefore contracted that on certain contingencies, anticipated that would happen after the close of the war within a certain period, to sell its facilities to the company at a fair value as a going concern, the price to be agreed upon between the parties or determined by arbitration.

The company engaged to buy these properties upon the demand of the Government, and in turn the Government engaged that it would require any other purchaser than the company, if it became necessary to sell to some one else, to remove the properties from the lands of the company. The company in good faith performed its part of the contract and stands ready to pay the Government what its officers regard as a fair value for the properties. The law officers of the Government have submitted opinions that the War Department exceeded its authority when it attempted to bind the Government to an option contract to sell to the company or to provide a method for determining the purchase price.

It is conceded by the officers of the War Department that the Gorgas properties and the transmission line can not be considered in any sense a necessary or essential part of the Muscle Shoals projects, but are temporary facilities provided to meet urgent war demands. If it be true that the Government had no authority in law to enter into the so-called option contract, the fact remains that its solemn contractual obligation is to remove the properties from the lands of the company and not to promote interference with their business operations by turning over to an outsider plants and facilities which they were called upon as a war duty to create for the temporary benefit of the Government. It was perfectly legitimate for the company to seek such assurances, and the contract provides them. Many contracts during the war of similar character were executed and carried out in good faith by both parties.

The solemn obligation of the Government is to deal with this company itself and not to transfer its rights or interests growing out of the contract to an outsider under circumstances and conditions where immediately a conflict of interest may arise that was not in the minds of the original parties to the agreement. The Government can not morally or legally, in a technical sense, transfer to an outsider, in no sense a party to the original agreement, whatever rights, powers, or interests the Government may have growing out of its contract to deal with its citizens, whether a corporation or an individual.

The so-called majority report of the Military Affairs Committee on the Muscle Shoals question properly characterizes such action on the part of the sovereign an unjustifiable method of dealing with the citizen, and would establish a precedent debatable if not unwise. The Secretary of War, discussing this subject, very properly asserts that the Government has a moral obligation, even though it may not be required in a strictly legal sense to do so, to recognize in good faith all contract agreements with its citizens.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. JAMES. Mr. Speaker, I make the same request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The extensions of remarks referred to are here printed in full as follows:

Mr. JOHNSON of Washington. Mr. Speaker, I desire to present a brief statement concerning the work of the House Committee on Immigration and Naturalization during the Sixty-seventh Congress, and to outline a program for that committee in the Sixty-eighth Congress.

First, let me say that no committee of the House has sat more days, examined more witnesses, received and considered more petitions, documents, written statements and letters. In my opinion there is a greater and more widespread demand for the immigration hearings than the hearings of any other committee. I think there is more public interest in immigration than in any other subject. From the leaders of debating teams in the most remote rural schools to the best-known instructors in the most prominent universities come requests for information. From the latest candidates for citizenship to the largest employers of labor come letters asking for copies of hearings, bills, and reports. Petitions come, on one side from the patriotic orders, and on the other side—for freer immigration—from the so-called hyphenated alliances and societies, and even from known anarchistic and revolutionary organizations. Letters pour in from the nationals of all the countries of the world, asking this, that, and everything imaginable, while aliens who have reached the United States appear daily at the door of the committee room appealing for the admission of some relative or friend.

Ever is the committee reminded that the problems of immigration carry with them all the problems of the human heart. Every day is some phase of "The Divine Comedy" or "Tragedy" revealed.

But, Mr. Speaker, every day it is made apparent to every member of the committee that the greatest question before the people of the United States is immigration. More, it is not only the greatest but the most vital. All the future of the United States hangs on the problems before this committee. Forty other intermediate problems, each serious—agriculture, manufacture, education, food supply, relations with other nations, wages, the care of dependents and defectives, our standard of living, our language, our birth rate, our customs, our theaters, and so on—all are affected by what the Congress of the United States does with regard to immigration. And remember that each committee of Congress is in itself a little congress which tables some bills, modifies and renders inocuous other bills, and reports through its chairman still other bills, advocating with all the strength permissible within parliamentary limitations the passage of those bills and their enactment into law. To secure enactment the House, the Senate, and the Chief Executive must be substantially in accord—which accounts for the failure each Congress of so many bills which to some of us seem so desirable.

Mr. Speaker, I desire to compliment the members of the Committee on Immigration and Naturalization for their patience, their constant attendance at long committee sessions, and for their assistance with the chairman's program, in spite of the great differences of opinion which are bound to exist when 15 men are gathered together, not only from all parts of America but from different parts of the world, to outline our legislative policy. If I may, I shall print the names of the members of this committee in this Congress. They are:

ALBERT JOHNSON, Washington, chairman; ISAAC SIEGEL, New York; J. WILL TAYLOR, Tennessee; JOHN C. KLECZKA, Wisconsin; WILLIAM N. VAILE, Colorado; HAYS B. WHITE, Kansas; GUY L. SHAW, Illinois; ROBERT S. MALONEY, Massachusetts; ARTHUR M. FREE, California; JOHN L. CABLE, Ohio; ADOLPH J. SABATH, Illinois; JOHN E. RAKER, California; RILEY J. WILSON, Louisiana; JOHN C. BOX, Texas; L. B. RAINEY, Alabama; and P. F. Snyder, clerk.

Five members retire at the close of this Congress. They are:

ISAAC SIEGEL, New York; JOHN C. KLECZKA, Wisconsin; GUY L. SHAW, Illinois; ROBERT S. MALONEY, Massachusetts; and L. B. RAINEY, Alabama.

They have been hard-working members, and the rest of us wish them well. All are men of force, and all have had determined views in the committee, one on this question, and one on that question. In fact, this is the one committee that does not divide on political lines. Its divisions are tight restriction versus liberal immigration; on the privilege to be given to citizens, on immigration to the Territories and insular possessions, on the question of asylum in the United States, the question of labor, and so forth.

Therefore, Mr. Speaker, is it not remarkable that during this Congress, after acting decisively one way or another on 90 bills and resolutions, as shown by the calendar, this com-

mittee should have reported favorably to the House the following bills, as shown by the following extract from the index to the House Calendar of this date, March 3, 1923:

IMMIGRATION.

ALIENS.

Deportation of certain undesirables: H. R. 11118; Mr. JOHNSON of Washington. Reported from Immigration and Naturalization April 3, 1922, Report No. 867. Union Calendar. Passed House April 5, 1922. In Senate referred to Immigration.

LIMITING ENTRY OF ALIENS INTO THE UNITED STATES.

H. R. 4075: Mr. JOHNSON of Washington. Reported from Immigration and Naturalization April 19, 1921, Report No. 4. Union Calendar. Passed House April 22, 1921. In Senate referred to Immigration. Reported in Senate, amended (S. Rept. 17), April 30, 1921. Passed Senate, amended, May 3, 1921. House disagreed and the bill sent to conference May 5, 1921. Agreed to in both House and Senate May 13, 1921. Approved May 19, 1921. Public law No. 5.

For the consideration of H. R. 4075. H. Res. 56; Mr. JOHNSON of Washington. Reported from Rules April 20, 1921. Report No. 9. Adopted April 20, 1921.

H. J. Res. 153; Mr. JOHNSON of Washington. Reported from Immigration and Naturalization June 13, 1921, Report No. 169. House Calendar. Passed House June 20, 1921. In Senate referred to Immigration. Reported in Senate June 27, 1921. Passed Senate August 15, 1921. Approved August 22, 1921. Public Resolution No. 16.

Extending operation of act of May 19, 1921. H. J. Res. 268; Mr. JOHNSON of Washington. Reported from Immigration and Naturalization February 17, 1922. Report No. 710. Union Calendar. Passed House February 20, 1922. In Senate referred to Immigration. Reported in Senate, amended, April 5, 1922. Passed Senate, amended, April 15, 1922. Sent to conference April 18, 1922. House agreed May 2, 1922. Senate agreed May 3, 1922. Approved May 11, 1922. Public Resolution No. 55.

Remain in United States in excess of quotas, permitting certain to. H. J. Res. 279; Mr. JOHNSON of Washington. Reported from Immigration and Naturalization March 7, 1922, Report No. 776. Union Calendar. Passed House March 16, 1922. In Senate referred to Immigration. Reported in and passed Senate December 20, 1922. Approved December 27, 1922. Public Resolution No. 78.

Chinese to register in United States, permitting certain. S. J. Res. 33. Passed Senate August 15, 1921. Referred to Immigration and Naturalization. Reported November 16, 1921, Report No. 471. House Calendar. Passed House, amended, November 21, 1921. Senate agreed to House amendments November 22, 1921. Approved November 23, 1921. Public Resolution No. 29.

Hawaii, providing for immigration to meet the labor shortage in. H. J. Res. 171; Mr. Kalanianaole. Reported from Immigration and Naturalization February 26, 1923, Report No. 1717. House Calendar.

Refugees from near eastern countries, admission into United States. S. 4092. Passed Senate February 5, 1923. Referred to Immigration and Naturalization. Reported February 15, 1923, Report No. 1621.

CITIZENSHIP.

Women, naturalization and citizenship of married. H. R. 12022; Mr. CABLE. Reported from Immigration and Naturalization June 16, 1922, Report No. 1110. House Calendar. Passed House June 20, 1922. In Senate referred to Immigration. Reported in Senate September 1, 1922. Passed Senate September 9, 1922. Approved September 22, 1922. Public law No. 346.

Fischer, Emil S., granting citizenship: H. J. Res. 84; Mr. SIEGEL. Reported from Immigration and Naturalization April 14, 1921, Report No. 3. Private Calendar. Committee of the Whole House discharged and rereferred to Immigration and Naturalization June 24, 1921. S. J. Res. 88. Passed Senate May 2, 1921. Rejected in House May 3, 1921. Motion to reconsider entered in House May 4, 1921. Committed to Immigration and Naturalization June 24, 1921.

After much strenuous labor the committee favorably reported to the House on February 15 its constructive immigration bill as a substitute for S. 4092, which had passed the Senate by unanimous consent February 5, 1923. The Senate act provided for the admission into the United States of not more than 25,000 orphaned or homeless Armenian children under 16 years of age and, in addition thereto, the admission, to join relatives in the United States, either citizens or declarants, of husbands, wives, parents, grandparents, unmarried or widowed daughters, granddaughters, sisters, sons, grandsons, and brothers under 18 years of age of the Armenian race who have fled from Turkish territory since 1914; admission to be on the application of the residents, subject to the conditions of the immigrations laws except the quota act.

The House committee's bill, as a substitute for S. 4092, is a comprehensive, constructive, permanent bill, more orderly than any heretofore presented; carrying out scientifically the principle embodied in the existing temporary quota law; providing for the admission from each country now sending immigrants a minimum of 400 annually plus 2 per cent of the nationals here according to the census of 1890; exempting therefrom the near relatives of foreign-born citizens and aliens who have declared their intention to become citizens, thus relieving the hardship of dividing alien families; starting registration in accordance with President Harding's recommendation by requiring future immigrants to bring a certificate containing full information about their health, civic record, political activities, and character; permitting aliens here to return to their native lands for temporary visits; ending the present outrageous evasion of the immigration laws by which dangerous, loathsome, and contagious diseased aliens gain admission as seamen under the La Follette law, by simply requiring alien seamen to pass the same immediate inspection and medical examination that immigrant aliens have to pass; excluding all aliens ineligible to citizenship unless entering for business, pleasure, or other temporary purpose; and otherwise perfecting and humanizing the existing immigration laws in order that America may be adequately protected from defective, dependent, and objectionable or surplus aliens as our other laws protect us from defective seeds, diseased plants, inferior live stock, and even surplus foreign goods made by pauper labor.

Two weeks were spent on the alien-seamen provisions. Demands were made for additional provisions which, in my opinion, were beyond the jurisdiction of this committee.

Within a fortnight after this substitute for the Senate bill was reported the legislative situation was about as follows:

The calendars of both House and Senate were congested. A filibuster was in progress in one branch and similar obstructionist tactics were threatened in the other. The fear was expressed by leaders that, inasmuch as all immigration matters are highly contentious, much debate and additional opportunity for filibuster would be presented if the substitute bill should be brought up for consideration. Finally the chairman secured a promise of a rule, although he was informed that more rules were at that time authorized than could be considered during the brief time remaining before adjournment. Ascertaining this to be a fact, and after mature consideration, and in order to try to get through some of the immediate and urgently needed provisions of the substitute bill the chairman introduced a short bill providing for admission of the near family relatives of American citizens—fathers, mothers, husbands, wives, and minor children—without regard to quotas, and reducing, by way of compensation, the quotas from 3 per cent to 2 per cent, based on the census of 1910, as at present provided in the act of May 19, 1921.

In my opinion restrictive laws that do not give to American citizens the privilege of sending for the alien members of their own immediate families will not stand. Unfortunately, through the Associated Press and other news agencies, the Members of Congress were misinformed when time was of the essence as to the provisions of the short bill. To pass it under suspension of rules required a two-thirds vote. There was not time in the closing, crowded hours of a long, busy Congress to explain it either by speech or letter. So it failed, like many other bills. With it went the hope of the refugees of the world for the relief it offered in response to appeals for admission of thousands upon thousands from Armenia, Greece, and elsewhere.

The appeals of employers for more common labor from foreign lands fell when the committee voted out its substitute bill. To admit laborers in quantities means that we are to continue to have with us the problem of how many and what classes, to say nothing of the other serious problems of excessive immigration, unemployment, and undermined standards and conditions.

So, Mr. Speaker, in spite of tremendous appeals, this committee stood against two great forces. But, Mr. Speaker, the committee has its big, constructive bill ready to report in December at the very beginning of the Sixty-eighth Congress. We ask for support for it now. It will be pressed. The quota law is not perfect but it has restricted immigration, and the big bill will cure most, if not all, of its defects and imperfections. The quota law has reduced the influx more than 2,000,000 in less than two years. We admit it has created personal hardships, but the bill we have prepared will reduce these to a minimum. Under the proposed bill feasible foreign inspection and examination of immigrants will commence. Few of those who can not be admitted will ever start from their foreign homes.

In conclusion, Mr. Speaker, I believe I voice the sentiment of the country when I say that the great problem in the United States is not what we will do with the immigrant, but what the immigrant will do with us. The real problem is to check the influx so that we can assimilate and Americanize the over 14,000,000 foreign born and 20,000,000 children of foreign born now in our midst. We must not let in a flood that threatens further to swamp our forces of Americanization and foreignize us.

Mr. JAMES. Mr. Speaker, during the present session we have heard a great deal, both in Congress and out, about "propaganda." From the statements which have been made it seems evident that there are Members of Congress who consider that it is "propaganda" when they receive requests from their constituents to vote for or against legislation in which these constituents are interested; it is "propaganda" when literature or letters are mailed to Congressmen by the American Federation of Labor, the American Farm Bureau Federation, National Grange, or other organizations which make it their business

to look after the best interests of the people. But when literature and letters are received by these same Congressmen from Wall Street or from the Fertilizer Trust, the Alabama Power Co. or the Nitrate Trust, or other business interests, then such literature and letters are not propaganda but "enlightening information." A distinguished leader of the House says that there has been a "chorus of misstatements and of false propaganda with regard to the Ford offer," and I agree with him. In an effort to find an objection to the Ford offer which would ruin that proposal in the eyes of the country there have been no end of misrepresentations made during the past session of this Congress. Henry Ford has been held up before the country as a robber or as an insincere schemer, holding out a meaningless fertilizer bait to catch the farmers while under cover he was planning to get away with a water power of such great value that the figures pass all comprehension.

The very extravagance of the statements of the opposition is sufficient to condemn them in the eyes of intelligent people, and the very bitterness of the fight itself, the determination of these special interests to deny Mr. Ford the right to undertake to work out a great national problem at Muscle Shoals, is conclusive evidence to me that they themselves do not doubt that Mr. Ford will do what he has agreed to do and a great deal more.

The distinguished Republican leader says that if the proposition had been made by "anyone but Mr. Ford it would have been smothered by ridicule." My opinion is that if the same offer had been made by the Alabama Power Co., the Fertilizer Trust, or, in fact, "anyone but Mr. Ford," the lame ducks—looking for jobs to take the place of the jobs which have been taken away from them by dissatisfied constituents—would have seen to it that the House would have been given an opportunity last June to vote on the proposition.

As it was, these lame ducks refused to give their fellow legislators an opportunity to vote on a measure which they knew would pass Congress by a large majority.

I have examined the arguments of these opponents both in and out of Congress, and in order that the public may appreciate how empty their objections are, I am reviewing these principal objections and at the same time stating the real facts as I have found them.

FORD OFFER NOT A BONANZA.

The opponents have made the most extravagant claims as to the value of what Mr. Ford would receive under his offer. They have said "there is nothing in the history of the world with which this can be compared. Civilization is without a precedent. It is the greatest gift ever bestowed upon mortal man since salvation was made free to the human race."

The truth is that these same properties have been offered under more favorable terms than the Ford offer to the very interests who now oppose the acceptance of the Ford proposal, and these interests would not have them on any terms.

If it were true that Mr. Ford gets $100,000,000 worth of value for $5,000,000, there would have been a rush to secure the Muscle Shoals property, and the opponents of the Ford offer well know it. If it were possible to get 20 for 1 on a private investment at Muscle Shoals, it is absurd to think that Mr. Ford would have been the only one to make a businesslike offer.

The truth is that whoever works out the problems at Muscle Shoals must assume so large a risk of private investment and must undertake such a large responsibility to the country that among the many who might have made a responsible offer for Muscle Shoals Mr. Ford was the only one with sufficient courage to do it.

What he gets has been repeatedly stated. It consists of two nitrate plants; one is a small experimental plant that was not a success and which uses the dangerous Haber process, which no one in this country has undertaken to develop on a large scale, although there is no patent situation that prevents it. The patents on the Haber process are available to anyone. As for the other nitrate plant, which uses the cyanamide process, the experts all agree that this process is obsolete and must be remodeled. The testimony shows, however, that processes do exist for taking nitrogen from the air whereby it may reasonably be expected that the cost of fertilizer to the farmer may be reduced 50 per cent. This can be accomplished only at great expense. Mr. W. B. Mayo, chief engineer of the Ford Motor Co., testified that Mr. Ford expects to spend at least $50,000,000 in working out these problems.

THE GOVERNMENT GETS A MOST REASONABLE RETURN UNDER THE FORD OFFER.

The opponents claim that "the Ford offer is absurd in its proposed transfer of great properties and great opportunities without reasonable return."

The truth is that, under the Ford offer, the Government and the people get much more than could have been expected, and so much more than any other responsible bidder was willing to offer that the Ford proposal has no competitors.

After a short preliminary period of preparation to utilize the power, Mr. Ford pays the Government 4 per cent on the entire cost of completing Dam No. 2 and completely building Dam No. 3, including full equipment and all reservoir lands, overflow rights, and so forth. This includes not only the portion of the structures devoted to power production, but the navigation locks as well.

The Government also receives annuities from Mr. Ford, which, according to the testimony of the Secretary of War, are sufficient, if invested at only 4½ per cent, to return to the Government more than $70,000,000 during the lease period, and if they were invested in farm-loan bonds at 5 per cent the return would exceed $100,000,000.

The Government is assured of the maintenance in a modernized and up-to-date condition of a great nitrate plant capable of furnishing nitrogen for explosives sufficient for one-third of the greatest military force that the United States was able to organize during the World War.

The Government gets large taxable values and is protected against excess profits by the present income tax law. If Mr. Ford makes the unconscionable profits which have been claimed, then under the present law the Government will get the most of it.

The greatest benefit of the Ford offer, however, is the establishment of a fertilizer plant having a large capacity for nitrate production. Expressed as Chilean nitrate of soda, the amount of nitrate which Mr. Ford agrees to produce annually is 250,000 tons, sufficient nitrogen for 2,000,000 tons of 2-8-2 commercial fertilizer and equal to the full amount of nitrates imported annually by American agriculture in recent years. The Ford offer provides that this great tonnage of nitrate fertilizer mixed with other plant foods according to demand—and as is common knowledge, the only other commercial plant foods are phosphoric acid and potash—shall be delivered directly to the farmer at a profit not to exceed 8 per cent on the fair actual annual cost of production.

But there are other great benefits. The Ford offer establishes a precedent in one respect. When it is accepted there will be one great water power in this country so financed that the original investment—corresponding to the bonds issued in an ordinary power project—is being amortized and eliminated, and with its elimination there is removed the interest on the investment, which constitutes 75 to 80 per cent of the cost of any American water power at the generating station.

This is a benefit to the people of the United States more fundamental than cheap fertilizer, for by adopting this method and bringing the cost of electrical power in this country to the low level that prevails in Canada and Norway cheap fertilizers and other products can be made available all over the country.

Under the Ford offer the navigation of the Tennessee River will finally be placed upon a commercial basis, and a territory nearly the size of England, rich in a great variety of useful resources, for the first time will have water transportation to the great markets of the Mississippi Valley and beyond. To do this requires the construction of Dam No. 3, and the construction of this dam is an important part of the Ford proposal.

Commercial considerations, as shown below, will compel Mr. Ford to construct large reservoirs in the tributary streams of the Tennessee River to stabilize his flow and make useful more than 500,000 horsepower of generating equipment which otherwise must stand practically idle. These reservoirs will reduce the floods which frequently cause great loss in the upper Tennessee Valley, and at these dams there can be developed at least 100,000 horsepower of merchantable power for distribution in a section where it is greatly needed.

Under the Ford offer thousands of men would be employed at good wages, and a commercial impetus would be given to a commercially backward section of the country which would benefit not only that section itself but every other section which serves this region commercially.

HENRY FORD HAS POSITIVELY AGREED TO MAKE FERTILIZER AT MUSCLE SHOALS UNDER A REASONABLE COMMERCIAL GUARANTY WHICH IS NOT CONDITIONAL ON HIS MAKING A PROFIT.

Some opponents claim that advocates of the Ford offer—

gain support because they promise the farmer the much-needed fertilizer. * * * Our position is that this is a hollow promise, made to enlist the support of the farmers and not absolutely binding on any fact contained in the contract or existing outside of the contract.

Other opponents, admitting that Mr. Ford will make fertilizer at Muscle Shoals, contend that Mr. Ford "does not agree

to make a pound of fertilizer at Muscle Shoals unless he can make it at a profit of 8 per cent to himself."

The truth is to be found in the Ford offer itself. Paragraph 15 of Mr. Ford's signed offer says in plain English:

15. Since the manufacture, sale, and distribution of commercial fertilizers to farmers and other users thereof constitutes one of the principal considerations of this offer, the company expressly agrees that continuously throughout the lease period, except as it may be prevented by reconstruction of the plant itself or by war, strikes, accidents, fires, or other causes beyond its control, it will manufacture nitrogen and other commercial fertilizers, mixed or unmixed, and with or without filler, according to demand, at nitrate plant No. 2 or its equivalent, or at such other plant or plants adjacent or near thereto as it may construct, using the most economical source of power available. The annual production of these fertilizers shall have a nitrogen content of at least 40,000 tons of fixed nitrogen, which is the present annual capacity of nitrate plant No. 2.

ENOUGH NITROGEN TO MAKE 2,000,000 TONS OF 2-8-2 MIXED FERTILIZER ANNUALLY.

I contend, Mr. Chairman, that this constitutes a definite binding agreement to produce at least 40,000 tons of fixed nitrogen annually, which is enough nitrogen to make 2,000,000 tons of 2-8-2 mixed fertilizer. Furthermore, it is not conditional upon Mr. Ford's ability to make 8 per cent profit or any other profit whatever.

I might say in passing that in 1921 there were only 5,000,000 tons of fertilizer consumed in the United States, so that Mr. Ford's obligation represented 40 per cent of the country's entire tonnage for that year.

WHAT THE ACTING JUDGE ADVOCATE GENERAL OF THE ARMY SAYS ABOUT IT.

It has been maintained, it is true, that the expression "except as it may be prevented by the reconstruction of the plant itself or by war, strikes, accidents, fires, or other causes beyond its control" offers a loophole, because the market price itself may be a cause beyond the control of Mr. Ford or his company, and that the inability to compete in the fertilizer market might be sufficient cause to warrant him in stopping the manufacture of fertilizer. Fortunately the highest legal authority in the Army has already passed on this point. On February 10, 1922, Col. John A. Hull, Acting Judge Advocate General, testified before our committee as follows:

Mr. PARKER. Then it is a serious matter of doubt whether he would have to go on and have to dispose of the goods at a loss if the market price was below what he could make it for?

Colonel HULL. He would have to do it, unless relieved either by Congress or a court of equity.

Mr. PARKER. But it says, "other causes beyond his control," and the price of the goods on the market would be beyond his control?

Colonel HULL. As I said, in my judgment the courts would not hold that price would be "other causes beyond his control."

Mr. PARKER. You think not?

Colonel HULL. No, sir.

The Acting Judge Advocate General also gave us the following testimony that day:

Mr. HULL. If we accept this contract with Mr. Ford, does that leave us free of any contract or liability with any other company?

Colonel HULL. I should say so.

Mr. HULL. You had something to do, as I understand it, with the drafting of this contract?

Colonel HULL. It was drafted in the office.

Mr. HULL. Then I presume you know something about the liability of Mr. Ford under that contract?

Colonel HULL. Yes, sir; it has been studied.

Mr. HULL. Would he be bound to produce fertilizer under that contract if it was found possible?

Colonel HULL. As now drafted?

Mr. HULL. As now drafted he would have to produce at least——

Colonel HULL (interposing). To the maximum capacity of plant No. 2.

Mr. HULL. There would not be any question about that?

Colonel HULL. There is not any, in my mind.

The CHAIRMAN. Under what section?

Colonel HULL. Section 14.

Mr. HULL. Suppose he could not produce it; that it was found physically impossible to produce the fertilizer compound in paying quantities; what would be the result so far as the contract with the Government goes?

Colonel HULL. If the Government insists, a court of equity would grant relief, and not compel the performance of the impossible.

Mr. HULL. What section of the second contract with Mr. Ford covers that?

Colonel HULL. Section 14.

Mr. HULL. If it was found impossible to produce this fertilizer, I presume of course he would be enabled to take the hydroelectric power that was supposed to go into the production of the fertilizer and use it or sell it as he saw fit?

Colonel HULL. Yes; but of course he would be obligated to maintain his laboratory and experiments and try to produce.

Mr. HULL. He would have to keep experimenting and trying to produce fertilizer?

Colonel HULL. Yes, sir.

Other opponents have also claimed that: "Reading the proposal as a whole, a falling market 'beyond the control' of the company might easily be considered as relieving it of its obligation," and cite the case of United States *v.* Mescall (215 U. S. 26). In this citation Mr. Justice Brewer, delivering the opinion of the court, stated that in interpreting the meaning of a general expression (such as "other causes beyond their control") the rule for interpretation "is never applied to defeat the real purpose of the statute as that purpose may be gathered from the whole instrument." And the legal practice which is followed when general and specific words, which are capable of similar meaning, are associated together, is that they "take color from each other so that the general words are restricted to a sense analogous to the less general." (15 Cyc. 247, note 6.) It is evident that the opinion of Colonel Hull is supported by the highest legal authorities.

CHEAP FERTILIZERS UNDER THE FORD OFFER ARE A REASONABLE EXPECTATION.

The opponents claim that the demand for the acceptance of the Ford offer "is predicated almost wholly on the entirely groundless assertation that if the Ford offer is accepted Mr. Ford will furnish the farmers of the country with cheap fertilizer." "It is amazing," they say, "how persistent these misstatements are reiterated, notwithstanding the fact that a reading of the Ford offer makes it very clear that Mr. Ford makes no pledge or promise of cheap fertilizer."

The truth is that the record may be examined from end to end, but nowhere will be found a statement from those advocating the Ford offer to the effect that Mr. Ford has promised or guaranteed to reduce the cost of fertilizer. It is entirely true that the Ford offer does not contain a guarantee to cut the price of fertilizer in half, no prudent business man would recklessly guarantee such a thing, but the manufacture of cheap fertilizer under the naturally favorable conditions that exist at Muscle Shoals is a far less difficult undertaking than was the development of the Ford automobile.

The supporters of the Ford offer have maintained constantly from the beginning that it is a reasonable expectation that Mr. Ford can and will reduce the cost of fertilizers to the consumer if his offer for Muscle Shoals is accepted. When the advantages of Muscle Shoals are available such an accomplishment is merely a matter of a competent organization backed with sufficient capital.

MR. FORD CAN PRODUCE HALF-PRICE FERTILIZER BY AIR-FIXATION METHODS AT MUSCLE SHOALS.

The opponents claim that even if Mr. Ford has agreed to make fertilizer at Muscle Shoals he will not be able to do so, for, they say, "the fact is that neither Mr. Ford nor anybody else could make any fertilizer or fertilizer materials through the use of the Muscle Shoals nitrate plant in time of peace, even with cheap water power, except at a cost of production substantially greater than the present wholesale market price."

The truth is that Mr. Ford has not agreed to use present processes or present equipment at Muscle Shoals and is not tied down to the use of the present nitrate plant, for in paragraph 15, quoted above, Mr. Ford says that his company will produce 40,000 tons of fixed nitrogen annually "at nitrate plant No. 2, or its equivalent, or at such plant or plants as it may construct, using the most economical source of power available."

Throughout the hearings during the past six years there runs the definite statement that air-fixation processes do exist whereby fertilizers may be furnished to the farmer for about one-half of what he would otherwise pay for them. That was the statement of Mr. F. S. Washburn, president of the American Cyanamid Co., before the House Committee on Agriculture, on February 9, 1916, when he said:

My anticipation is that the establishment of the nitrogen industry as it can be established, with what I believe and what I believe would appeal to those who study the subject is the proper and legitimate Government cooperation, will give the farmer his fertilizer for one-half of what he would otherwise pay for it.

And in the same year Dr. L. H. Baekeland, one of the foremost independent American chemists, member of the United States Naval Consulting Board, member of President Wilson's nitrate supply committee, testified before the Senate Committee on Agriculture and Forestry, March 24, 1916:

The statement is made by the present Government monopoly in Germany that after the war is over and after what they know now about the synthetic manufacture of nitrogenous fertilizer from the air, after all the experience they have acquired during this war while making nitric acid, that they will be in such condition that they intend to furnish the farmers of Germany nitrogen fertilizer at about one-half the price it is costing the consumer here in the United States. If Germany can do that, gentlemen, there is not the slightest doubt in my mind that we can do the same here or that we can do better.

WHAT GERMANY HAS DONE.

How have these predictions been fulfilled? Germany is the great outstanding example of a country which, driven by the necessities of relentless warfare, was compelled to install and adopt these improved processes; and Doctor Parsons, testifying before our committee on March 10, 1922, said:

Ammonium sulphate is selling in Germany to-day, on our exchange, for approximately one-half the price it is selling in the market here.

And the Koppers Co. of Pittsburgh, in arguing for a duty on sulphate of ammonia to protect them, as they claim, against

these war-built air fixation nitrate plants of Germany, state on page 8:

The cost of operating these plants is relatively low, so that even to-day sulphate of ammonia is being sold in Germany at half the price in the United States, based on the present rate of exchange.

The facts are that the Ford offer is backed not only by the assets of his company, having a paid-in capital of not less than $10,000,000, but it binds Mr. Ford personally as well as his heirs and assigns.

The opponents claim that "Mr. Ford makes no proposition by which he is bound in any particular as an individual."

The truth is plainly stated in paragraph 20 of the Ford offer, as follows:

The above proposals are submitted for acceptance as a whole and not in part. Upon acceptance, the promises, undertakings, and obligations shall be binding upon the United States and jointly and severally upon the undersigned, his heirs, representatives and assigns, and the company, its successors and assigns.

The position of the opponents is that the only promise of Henry Ford is his agreement to organize the company, while the company itself assumes all other obligations. But the Acting Judge Advocate General, Colonel Hull, testified regarding these provisions that—

A careful study of the language convinces me that Mr. Ford is bound as well as his company, and is not discharged the minute the company is organized and undertakes these matters. * * * Mr. Ford obligates his estate and the company when organized.

(House hearings, pp. 190 and 196.)

THERE IS MORE REGULATION OF MR. FORD AND HIS COMPANY AT MUSCLE SHOALS THAN OF ANY LICENSEE UNDER THE FEDERAL WATER POWER ACT.

The opponents claim that at Muscle Shoals Mr. Ford and his company are "as unrestrained and as unlimited and as unregulated as any pirate that ever sailed the seas."

The truth is exactly the contrary. When a corporation secures rights for power development under the Federal water power act it purchases the necessary lands and secures a title to them which it can sell or transfer as it pleases.

At Muscle Shoals, on the other hand, Mr. Ford would get deeds to Government property, but, as is stated in paragraph 13 of the Ford offer, "each of said deeds shall refer to or contain the provisions of this offer, and said deeds shall be so drawn as to make such provisions covenants running with the land."

For 100 years neither Mr. Ford nor his company can give a clear title to the property they purchase, for the sale is conditional, and if Mr. Ford fails to live up to his contract the Government can cancel his deeds at once and take its property back. In such a case the Government would not only get back its real estate but all the improvements, including all new buildings, together with their principal items of equipment. The courts have held that buildings and their principal equipment become a part of the realty and revert to the original owner when the deeds are canceled.

As a further penalty for failure to live up to the terms of his offer it is provided in paragraph 19 that certain definite legal steps can be taken for the canceling of his lease of both dams.

What Mr. Ford gets is not a speculation in real estate that he can quickly sell at a large profit, as the opponents have claimed. On the contrary, he shoulders a heavy burden, which he can not lighten by selling off parts of the land he buys, for the sale is expressly a conditional one.

Whenever Mr. Ford distributes power he must do so under the laws of the State in which he does business. The laws of the State of Alabama define persons or corporations engaged in the public distribution of power as public utilities; and require public utilities to come under the regulation of the Alabama Public Service Commission as to rates, service, and security issues.

Under the Federal water power act no licensee using his water power in his own private business is definitely limited as to the profits which he shall make on the products manufactured by means of the water power. This must necessarily be so, for the Federal Power Commission would have no right to attempt to specify the profits made on any manufactured article; but Mr. Ford voluntarily limits his profits to a maximum of 8 per cent on the "fair actual annual cost of production" in the manufacture of fertilizer; and, as has been shown in the testimony of Government experts, the manufacture of fertilizer undoubtedly will be the most important part of Mr. Ford's operations, requiring nearly if not all of the merchantable power developed at both dams. No private manufacturer licensed under the Federal water power act is limited in his profit on his principal product as is Mr. Ford at Muscle Shoals.

As for the secondary or unreliable power available at various intervals during certain seasons of the year, this power has been properly declared by the four great southeastern power companies to have little or no commercial value for public-utility purposes. If Mr. Ford makes it useful by building storage dams for the regulation of the stream flow of the Tennessee River, then he is securing this additional useful power at his own expense, and should not be made subject to further regulation.

MR. FORD'S PAYMENTS FOR MAINTENANCE OF DAMS ARE SUFFICIENT.

Opponents claim, regarding Mr. Ford's annual payment of $55,000 for maintaining the Muscle Shoals dams, that "it is well known among engineers that $55,000 for this purpose is hardly a drop in the bucket."

The truth is that a great concrete dam, such as that at Muscle Shoals, is one of the most permanent forms of construction that can be built.

The Chief of Engineers has reported regarding this fund:

The payments specified for the operation and maintenance of the dams are considered adequate to meet all ordinary operation and maintenance costs. (House hearings, p. 19.)

The experience of the United States Engineer Corps with spillway dams is stated by Gen. H. Taylor, Assistant Chief of Engineers, in a recent letter, as follows:

The following is a partial list of the concrete dams which have been constructed by this department:
Dam No. 2. Allegheny River, completed in 1908.
Dam No. 5. Coosa River, completed in 1914.
Dams Nos. B and C, Cumberland River, completed in 1912.
Dam No. 21. Cumberland River, completed in 1911.
Dam No. 6, Green River, Ky., completed in 1905.
Dam on Hudson River, Troy, N. Y., completed in 1916.
Dams Nos. 11, 12, 13, and 14, Kentucky River, constructed at various dates from 1906 to 1916.
Twin City lock and dam, St. Paul, Minn., completed in 1917.
Dams Nos. 2, 3, 4, 10, 11, 12, 13, 14, and 15. Monongahela River, completed at various dates between 1903 and 1906.
Dam at Lake Washington Locks, Seattle, Wash., completed in 1916.
Dams Nos. 1, 14, 15, 16, 17, and 18, Warrior River, completed at various dates between 1909 and 1915.
In addition, 10 dams on the Muskingum River, and an equal number on the Kentucky River, have concrete crests placed on top of the original crib dams.
According to my best recollection, no expenditures have ever been necessary in the maintenance of the dam structure proper of these dams, many of which, as you will observe, have been in service for 15 years and over.
For the Chief of Engineers.
Very respectfully,

H. TAYLOR,
Brigadier General, Assistant Chief of Engineers.

It is also true that no licensee of a Government dam, built under the Federal water power act, is compelled to bear the cost of the maintenance and operation of the dam and locks.

NOT REASONABLE TO TRY TO COMPEL MR. FORD TO REPLACE DAMS IF ACCIDENTALLY DESTROYED.

Opponents complain because Mr. Ford asks the Government to maintain the dams during the lease period, although Mr. Ford provides a fund of $55,000 a year for doing so.

Mr. Ford is merely a lessee of Government property. The title to the dams always remains in the Government. If the Government should operate the dams themselves, or lease them under the Federal water power act, the cost of the dams would not be returned to the Government in either case, if the dams should be destroyed.

MR. FORD ALREADY A LICENSEE UNDER THE FEDERAL WATER POWER ACT.

None of the objections mentioned above would be overcome if Mr. Ford should agree to take a license for the Muscle Shoals dams under the Federal water power act. He is already a licensee under that act at the Troy, N. Y., dam on the Hudson River, and preliminaries have been arranged for his license at the Twin City dam, on the Mississippi River, near St. Paul, Minn.

The opponents have claimed that the water power act "throws safeguards around our national resources throughout all time to come."

I maintain, Mr. Speaker, that the public welfare is safeguarded in the Ford offer to a greater extent than under the Federal water power act. At St. Paul Mr. Ford leases a Government dam for about 4 per cent of the Government's investment. He does not provide any contribution toward the operation or maintenance of the dam nor its locks, the Government does it all; he assumes no obligation to replace the dam in case it is destroyed by flood, earthquake, or a national enemy, or any other cause; he provides no amortization fund to return the cost of the dam and locks to the Government; he has announced his intention of utilizing all of the power generated, and there is no specified limitation upon the profits which he shall made in the use of this power; he pays a fair rental for the use of the Government's property, but nothing for the use of the water.

In only one particular are the contentions of those who obstructed water-power development for years in this country

observed in the Ford lease of the Government dam at St. Paul; that one particular is the length of the lease period. The Ford lease at St. Paul is for 50 years.

THE HUNDRED-YEAR LEASE PERIOD.

Throughout the lengthy hearings in both the House and the Senate opponents of the Ford offer have repeatedly argued that the life of the lease should be limited to 50 years, because, it is claimed, it might be possible for the Government to make a new lease more advantageous to the public at the end of that period.

In reply, Mr. Speaker, I want to say that the supporters of the Ford offer have found nothing in the history of the past 50 years which would justify Congress in rejecting this offer on the ground that either at the present time or in the course of 50 years they will secure a more advantageous one.

Public interest is best served by legislation that enables the greatest amount of water power to be developed at the least cost to the ultimate consumer. It does not matter whether this power is distributed directly by a public-service corporation or whether it enters into the manufacturing cost of any article consumed by the public. The interests of the public are best served when the power, or the products of the power, are distributed to the public at the least possible cost.

Since the length of the lease period does not affect the rate charged for the power nor the price of the goods produced by the use of the power, it has no effect in protecting the interests of the public. It is true that it gives an opportunity to charge a greater rental for the use of the power at the end of the lease period, but such arbitrary charges are merely an unjustified addition to the cost of the power, and these charges, with repeated percentages of profit, accumulating as they pass through various hands, are finally added to the consumers' bill.

This is true no matter whether the consumer buys power or any article whatever made by the use of the power. It is merely an indirect form of taxation and of no benefit to anyone except as a means of securing Federal revenue from a certain group or class of consumers. If Federal revenue is what is desired, then let us tax all water powers alike, whether the streams on which they are located are navigable or not. That, to my mind, would be the fair way to do it. Arbitrary charges for the use of the water for power purposes at one point on a stream, and no charges whatever for the use of the same water at another point simply because a boat can pass one point and can not pass the other point, is an utterly absurd, unfair discrimination against the development of power on our navigable streams. It has no sound basis either in law or equity.

Those who support the Ford offer believe that a maximum profit of 8 per cent on the principal article of manufacture is as much as should be asked of a lessee of any Government dam.

This consideration, together with the maintenance in modernized up-to-date condition of a nitrate plant ready for use by the Government in time of war and the guaranteed annual for producing the equivalent of 250,000 tons of Chilean nitrate, taken with other valuable considerations of the Ford offer, constitute a proposal obviously more in the interest of the public than anything which the opposition has been able to offer, in spite of their clamor. The advocates of the Ford proposal do not believe that it is reasonable to expect that any responsible party will do better than has been offered by Mr. Ford.

Consequently, since the Ford offer is vastly more than a mere water-power proposition, its advocates see no reason why it should come under the Federal power act. If 50 years is a fair lease period in which to work out the comparatively small problems of the average water-power development, then 100 years is none too long a time for working out the great undertakings in nitrogen fixation, fertilizer manufacture, and power development that constitute the legal, moral, and commercial responsibility of Mr. Ford under his offer.

MR. FORD, AS PURCHASER OF THE NITRATE PLANTS, IS ENTITLED TO THE GORGAS STEAM PLANT.

The opponents claim that it has "never been clearly explained" why Mr. Ford should ask that the Government's Gorgas steam plant and transmission line be included in the Muscle Shoals property.

The truth is that this plant has always been recognized as a necessary part of the nitrate properties; it was so regarded in 1920, and was included in the properties scheduled for Government operation under the Wadsworth-Kahn bill.

When the question of the Alabama Power Co.'s so-called option to purchase the Gorgas steam plant was before the House Committee on Military Affairs, the committee asked for the opinion of the Judge Advocate General as to the legal obligation of the Government to sell this plant to the Alabama Power Co.

Col. John A. Hull, the Acting Judge Advocate General, stated:

> The option to purchase, purporting to be given by the contract, is unauthorized and void. Consequently the only action necessary is to condemn the land constituting the right of way and plant sites, authority for which is granted by the statutes above cited. (House hearings, p. 134.)

In order to further satisfy the committee an opinion of the Attorney General was requested, and Mr. Daugherty stated his opinion in the following language:

> The inquiry made of the Attorney General may, in substance, be stated as follows:
>
> Is that part (article 23) of the contract with the Alabama Power Co. binding on the Government, which gives that company at any time after December 1, 1926, or such earlier period after the United States shall finally cease to take power, the right to demand that the value of the Warrior extension and the Warrior substation shall be determined by three arbitrators, and shall obligate the Government to sell to that company at the figure thus to be determined? * * * My answer is no.
>
> No one can carefully analyze the long and rather complex contract made with this company without being impressed with the harsh and even drastic provisions which it imposes on the Government. When its intricate provisions are closely scrutinized and their full significance fully realized it becomes at once apparent that the company lost no opportunity of turning to its own advantage every possible change of circumstances.

NO MORAL OBLIGATION TO ALABAMA POWER CO. INVOLVED.

Finding no support for their contention that there was a legal obligation on the part of the Government to sell its power plant at Gorgas to the Alabama Power Co., opponents of the Ford offer have insisted that there was a moral obligation on the part of the Government to sell this property to the Alabama Power Co.

The truth is that there was no obligation of any kind, for it was specifically provided in the contract with the Alabama Power Co. that that company's use of the Gorgas steam plant was subject to the prior claim of any successor of the United States to whom the Government might "sell or lease its said nitrate plants at Sheffield and at Muscle Shoals, or either or any part of said plants." And article 23 of the contract with the Alabama Power Co., recognizing the necessity for the Gorgas plant in any commercial operation of the Muscle Shoals project, protected the Government's interest in that property as against the interest of the Alabama Power Co. by providing that if—

> * * * the United States shall sell or lease its said nitrate plants at Sheffield and at Muscle Shoals, or either or any part of said plants, the United States may assign and transfer to the purchaser or lessee thereof (in this contract referred to as the successor of the United States) the right to demand and receive electric energy under this contract to the extent of the capacity of the Warrior extension at the time. * * *

THE REAL MORAL OBLIGATION.

It is evident that if there was a moral obligation involved on the part of the Government it was the moral obligation to preserve the usefulness of the nitrate plants for the manufacture of fertilizer in time of peace in accordance with the expressed purpose which Congress had in mind in authorizing their construction under section 124 of the national defense act.

This was the moral obligation of the Government to the taxpayers, and section 23 of the contract with the Alabama Power Co. emphasizes the Government's right to protect its own property by making this power available, first, to the lessee or purchaser of the nitrate plants, and, second, to the Alabama Power Co., if not required for the operation of either of the nitrate plants. It is easy, therefore, to understand the position of the members of the minority of the Senate Committee on Agriculture when they reported concerning the Gorgas plant—

> With reference to the contention about the Gorgas steam plant, we feel that we can make little comment. Mr. Ford has advised our committee that "if my revised offer for Gorgas is rejected, then I must understand that the acceptance of my offer for Muscle Shoals as a whole, and not in part, is refused."
>
> Therefore, believing, as we do, that the United States has every right in the world to accept Mr. Ford's offer for Gorgas, and since Mr. Ford's offer will stand rejected unless his proposal for Gorgas is accepted, we have no difficulty in deciding what ought to be done. We are not unmindful of the interests of the Alabama Power Co., but, as a matter of duty, we are more mindful of the interests of the Government at Muscle Shoals. The Alabama Power Co. desires Gorgas as an auxiliary to its water-power development, and Mr. Ford desires Gorgas as an auxiliary to Muscle Shoals water-power development. This phase of the case seems very clear to us.

Since the contract with the Alabama Power Co. provided that the purchaser or lessee of the nitrate plants should have the prior right for an indefinite period to receive the full amount of power that can be developed at the Government's Gorgas plant, the sale of this plant to Mr. Ford merely provides him indefinitely with the full amount of power which can be developed at the Gorgas plant—a provision agreed to in the contract. In choosing between the interests of the Alabama Power Co. and those of the farmer at Muscle Shoals, Members of Congress have

had in mind that under the Ford offer this power was to be used to operate the nitrate plant to its full capacity every year in the manufacture of fertilizer, in accordance with the purpose of Congress. Members of Congress have felt that the use of this power plant in this way would aid in bringing about a great national benefit, while its use as a part of the system of the Alabama Power Co. would serve merely a local and comparatively insignificant purpose.

In view of the fact that the Alabama Power Co. was obligated under its contract to furnish power to the full extent of the capacity of the Government's Gorgas plant to any lessee or purchaser of the nitrate plants, it is no argument for the opponents to say, as they do, that it will cripple the service of the Alabama Power Co. to 58,500 consumers if this power is diverted to Muscle Shoals.

They knew that they were obligated to furnish this power to the nitrate plants and they had no business to depend upon it to serve these 58,500 consumers. It is typical of the methods of the Alabama Power Co. that, although they had only conditional use of the power at the Gorgas plant for their own purposes, nevertheless they went out, according to the statements of their own advocates, and sold this power to some 58,500 consumers, and then when about to be called upon to make good and permit this power to be used indefinitely for the nitrate plants, they come forward with the complaint that to do so would cripple their service. Under their contract the Alabama Power Co. is a custodian of the Gorgas steam plant and its power supply. Having been admittedly unfaithful to the terms of their trust and finding themselves in distress as a result, they seek to place the blame on Mr. Ford, when they would be equally at fault no matter what outside party became the successor to the United States at Muscle Shoals.

The necessity for cheap power from the Gorgas steam plant located at the mouth of a coal mine for use in supplementing the power of the Tennessee River at times of low water has been repeatedly explained in the hearings and the fact that this is a small unit, only half the size of a single unit which comprises the steam-power plant at nitrate plant No. 2, is an additional reason why this Government-owned war-built steam-power plant at Gorgas is properly considered a necessary part of the Muscle Shoals project.

FERTILIZER THE PRINCIPAL PRODUCT UNDER THE FORD OFFER.

The opponents have repeatedly claimed that Mr. Ford "is going to get, at practically Government expense, 900,000 horsepower to use as he may see fit."

The truth is that no such amount of power exists at Muscle Shoals. Col. W. J. Barden, United States district engineer in charge of the Muscle Shoals work, placed in the record a clear statement of the amount of power at both dams, and stated (Senate hearings, p. 34) that the total amount of primary or dependable power at both dams, supplemented by both the steam plants, amounts to only 241,300 horsepower.

It is true that Mr. Ford asks for a total installation of 850,000 horsepower, but every horsepower above 241,300 is operated by irregular flow that can not be depended upon, and, according to expert testimony, even when this flow is available for 10 months in the year it has little or no commercial value. The power at both dams at Muscle Shoals, including the use of both steam plants, as stated by Colonel Barden, amounts to 241,300 primary, dependable power for 12 months, and an additional 75,200 horsepower of irregular power from 10 to 12 months, and an additional 232,500 horsepower of irregular power from 6 to 10 months, and an additional 188,500 horsepower of irregular power from 4 to 6 months. The first of these figures represents useful power. The remainder represent power which must be stabilized and supplemented before it can be used commercially, and it is no more possible to add the foregoing quantities together than it is to add apples and oranges—they are not the same thing at all.

On the other hand, the leading nitrate expert of the Ordnance Department, Maj. J. H. Burns, former chief of the Nitrate Division, has given figures which show that to produce 40,000 tons of fixed nitrogen at nitrate plant No. 2 and to supply sufficient phosphoric acid so that it may be furnished in a mixed fertilizer in accordance with demand, as is required under the terms of the Ford offer, it would be necessary to use 100,000 continuous horsepower, or its equivalent, to fix the nitrogen, and 145,000 continuous horsepower, or its equivalent, to produce the phosphoric acid. Mr. Ford therefore must use the equivalent of 245,000 continuous horsepower to carry out his fertilizer obligations alone. Therefore, instead of being "seven parts water power to one part fertilizer" the fertilizer becomes Mr. Ford's principal product.

MR. FORD MUST BUILD STORAGE RESERVOIRS AT HIS OWN EXPENSE.

The opponents claim "he agrees to pay nothing for the great reservoirs that the Government built to hold the water that is backed away from Dam No. 3."

The truth is that there is no reservoir capacity back of the proposed Dam No. 3, as has been testified by Colonel Barden. (Senate hearings, p. 35.)

Storage dams, however, must be built to increase the primary power and stabilize the secondary power. This can be done by regulating the flow of the river to a reasonable extent and by developing power at storage dams and transmitting the power. The sites of these dams are on the upper tributaries of the Tennessee River, and their cost has been estimated at not less than $20,000,000. Mr. Ford has agreed to pay interest on over 500,000 horsepower of equipment, which must stand practically idle with no dependable water supply for its operation until these dams are built. He therefore pays a large cash penalty every year until he builds these storage dams.

NO DISPOSITION ON THE PART OF MR. FORD TO BE ARBITRARY IN MAKING HIS OFFER.

Opponents claim that—

> Congress is arrogantly told that it must accept this offer just as Mr. Ford has written it without the changing of a sentence. * * * We must sign on the dotted line.

The truth is that no less than 27 changes in the wording of Mr. Ford's offer have been made since it was first submitted on July 8, 1921. Mr. Ford made changes at the request of the Secretary of War; he made changes at the request of the chairman and other members of the House Committee on Military Affairs and also at the suggestion of the chairman of the Senate Committee on Agriculture, while other changes were made at the suggestion of the farm organizations, and it was only when it became evident that opponents were merely asking for changes for the purpose of delaying and defeating the Ford offer, and only when Mr. Ford had gone as far as he considered prudent in the matter of concessions, that he finally declined to make further changes in his offer.

BENEFITS OF MUSCLE SHOALS CAN BE MORE WIDELY DISTRIBUTED AS CHEAP FERTILIZER THAN AS CHEAP POWER.

Opponents claim that "power that originates from property owned by the people of the country ought to receive as wide a distribution as possible." Therefore the Muscle Shoals power should be broadcasted, they say, instead of being used locally to build up a great electrochemical fertilizer industry.

The truth is that the comparative value between available public utility power and cheap fertilizer is the difference between an electric light and a loaf of bread. By far the majority of the people of the United States do without electric light, but they must have the loaf of bread; and those who support the Ford offer contend that this power, so well adapted to electrochemical purposes, will find its greatest usefulness not by lighting the homes and driving the small motors in a limited area in Alabama, Mississippi, and Tennessee but by its use in electrochemistry to show this country how fertilizer can be produced by modern methods not only at Muscle Shoals but at many other points and delivered to the farmer at a fraction of the present cost, and how such useful metals as aluminum may be produced and sold at much lower prices than are now demanded by the aluminum monopoly.

No industries in time of war are more important than those based upon electrochemistry and electrometallurgy; and to build up a great center of these industries at Muscle Shoals, utilizing the cheap secondary power of the Tennessee River, stabilized and rendered useful, is to create a great national asset the value of which in time of war may well be beyond calculation.

MR. FORD AT MUSCLE SHOALS WOULD NOT BE EXEMPT FROM TAXATION.

The opponents claim that "Mr. Ford would be tax exempt on these dams, because the dams belong to the Government."

The truth is that Mr. Ford would pay taxes just as any other citizen does. It is true that the dams are Government property and therefore are not subject to taxation. The lease of the dams, however, is not Government property and can be taxed, and any business that Mr. Ford or his company builds up in the State of Alabama is subject to taxation under the laws of that State.

It may certainly be expected that the taxing authorities will not overlook the fact that by the simple expedient of taxing Mr. Ford's lease and taxing his business he and his company can be taxed the same as any other individual or company in the State.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. BANKHEAD] is recognized for 20 minutes.

Mr. BANKHEAD. Mr. Speaker, the rules should not be suspended and this bill should not be passed. Those of us who are opposed to this bill have not had the privilege of securing copies of it. We do not know exactly what the provisions are, and I do not understand why it is that without notice this matter was brought up. The original bill upon this proposition was approved on September 22, 1922, and carried an appropriation of $200,000, or, rather, an authorization of an appropriation of that amount.

I was opposed to the passage of the original bill. I was also opposed to the passage of the bill establishing the office of Fuel Administrator, a bill which passed coincidentally with the passage of this bill; and I was opposed to both of them because from my careful observation for a period of six years since I have been a Member of this House these so-called commissions never resulted in any practical good to the taxpayers of this country or those whose interests are supposed to be subserved by these commissions. I believed then that the original authorization of $200,000, so far as practical results were concerned, would be an absolute waste of that much of the people's money.

There were appointed under the authority of that bill some high-class men as these fact-finding commissioners—former Vice President Marshall, John Hays Hammond, a distinguished mining engineer, and some other gentlemen whose names I do not now recall. But, gentlemen, I want to say to you that these men, if they desired it, could have secured from other branches of this Government, without the expenditure of $10,000, every material fact necessary for the consideration of this problem.

Now they come before the Committee on Appropriations, as you will observe if you will read the hearings, and say that they need $400,000 more to add to the original appropriation of $200,000. For what purpose? Why, as Mr. Hammond says in the hearings, and as the other gentleman who testified, Mr. Smith, says, they want this money for the purpose of paying high salaries to college professors and others to make studies as to the cost of production and studies as to whether they should recommend to the Congress of the United States the nationalization of the coal mines of the country and make other recommendations which they propose to make to the Congress of the United States, some of which under the Constitution of the United States the Congress could not enact, even if those recommendations were thought to be desirable to accept. The Federal Trade Commission, as the gentleman from California [Mr. LEA] only a few minutes ago admitted, only a short time ago, under the ample authority conferred upon it, made a very searching investigation of all the material inquiries that these gentlemen on this fact-finding commission are now collecting under the provisions of this bill; recent information upon basic facts involved in the industry. And, gentlemen, this fact-finding commission is now seeking, by the amendment to the original bill, to have us clothe them with very unusual and very extraordinary power, and they are going to entail upon that industry and the country an entirely unnecessary expense. [Applause.] They have called upon the coal operators of the country to produce all of the pay rolls, and that shows you the extent to which they are going; the paper pay rolls of all the individual mines of the country, showing the amount they have paid to every coal digger over a period of 10 years. Some of the operators down in Kentucky and out in Ohio, in answer to that summons, had to charter two or three box cars to take those pay rolls and send them here to this commission.

Gentlemen, those gentlemen could take a few typical mining districts in this country—for example, in West Virginia, or Ohio, or Pennsylvania, or Alabama—and only a few investigators in a very short time, if they were diligent and intelligent in their inquiry, could obtain every essential piece of information necessary to enable them to make recommendations upon this proposition. It is an absolute wanton waste of the people's money—the proposition of coming here and asking for $400,000 more, making a total appropriation of $600,000, in order to get information which, as I say, is already practically available to those gentlemen here in these other Government bureaus, such as the Bureau of Mines, the Federal Trade Commission, the Interstate Commerce Commission, the Geological Survey, and other bureaus, if they would only seek it. But they want to make an independent investigation, with a lot of highly paid men on their pay roll, and they want to increase the number to nearly 200 above the number which the hearings show they now have.

Members of the House, if I believed that the expenditure of this money would result in any substantial benefits to the coal diggers of this country, whose interests I have always attempted to represent here on the floor of this House; if I believed it would result in any practical good to the consumers of coal in this country; if I believed it would solve the transportation problem, or the problem of distribution which is involved in this great industry, I would be glad to vote for this increased appropriation, although it is rather extravagant in sum. But from my observation of these commissions in the past I believe that no practical good will result, but only irritation, and in the end it will accomplish no good to the people of this country. I think this proposition ought to be defeated by this House. [Applause.]

Mr. Speaker, I reserve the balance of my time. How much time have I used?

The SPEAKER pro tempore. The gentleman has used seven minutes.

Mr. WINSLOW. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM of Illinois. Mr. Speaker——

Mr. LONDON. Will the gentleman yield for a question before he proceeds?

Mr. GRAHAM of Illinois. Yes.

Mr. LONDON. To what extent has this bill been made necessary by the experience of the commission?

Mr. GRAHAM of Illinois. That is a very pertinent inquiry. Former Vice President Marshall, a member of the commission, was one of the principal witnesses that appeared before our committee in the hearings. Mr. Marshall went into the thing very extensively. I do not think there is anybody on either side of the House who would think that Mr. Marshall was wanting to get money for junketing trips or spending it unnecessarily. I know that I do not believe so, and I do not believe you do. He said in the most unequivocal way that they have to have an increase of funds or they could not function and do the things that they desire to do. He told us what they were trying to do. They are trying to make an exhaustive study of the whole subject so, as the result of it, they can come to Congress and tell us the facts on which we can legislate, having in his mind, as do the most of us, that some fundamental changes may be made by the American people in handling the fuel situation—even, perhaps, to the point some time of the Government taking over some or all of the mines in the country. I do not think that is one of the things toward which the commission is necessarily traveling, but I want to call the attention of the House to the fact that that is one problem involved.

The suggestions made by the gentleman from Alabama will not cover the proposition; to have here and there a sporadic report of some coal mine and a partial analysis of the situation will not do us any good. This commission by operation of law must finish its work next September, and to do so must have a force that will enable them to do that. The men engaged in this work want to get at all of the facts, and to do it largely as a result of their desire to do their duty to the country in the fullest way.

I am in favor of this proposition. Originally I favored the House bill. I asked the chairman for a few minutes of this discussion that I might allude briefy to one proposition that has troubled me somewhat. I have resolved the doubt that I have in favor of the Senate bill, and I am going to support it because I believe the most important thing for the country to have now are the facts, and I believe this commission will get them, and in order to get them we ought to give them what funds they need.

I want to call your attention to the provision permitting the judges of the court to sit on the commission. I am not in harmony with that provision although I shall vote for the bill. It is on the theory that I shall subvert my doubts to the general good. Here is the trouble about having a judge on the commission: In the present unsettled condition among the miners of the country I do not believe it is wholesome to put a member of the judiciary on a commission, especially a commission of this kind which is to deal with the relations of labor and capital and which puts a man from the bench on a commission where he must deal with industrial problems, and as a result of which he will be accused by one side or the other as taking a partisan position. I believe that that sort of thing weakens the judiciary and has a tendency to break down the courts, and is not a good thing for the country. While I shall vote for this, and while I know Judge Alschuler to be a worthy man and highly qualified for the work, in view of the fact that he has been engaged on the work continuously, knows about it, and up to a few days ago has been employed in that work, I shall not make any serious objection to it. But I want to say to the House that I am opposed to the policy, and in the future reserve to myself the right to oppose any further proposition of that kind while I am in the House as against public policy. I think there ought to be no hesitation about approving this bill in its present form. [Applause.]

Mr. BANKHEAD. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I certainly agree with the remarks of my colleague from Illinois with reference to the appointment of judges on this commission. I think it is calculated to injure the judiciary. I think its result will be unwholesome. We want to keep the judiciary on the bench deciding matters of law and transacting judicial business. Why there should be a necessity for appointing judges is an inexplicable proposition to me.

But, my colleagues, it seems to me that there is a stronger objection than that of selecting a judge, which this bill would enable the President to do. Here is one of the most drastic measures that it has been my privilege to read as a proposed piece of legislation in this House during my term of service. When you read the phraseology of this proposed legislation, it must be apparent to every thoughtful man that such a bill as this ought not to be called up at the heel of a session and put upon its passage when there is no opportunity for deliberation and full and mature consideration of it. [Applause.]

In general I am opposed to the appointment and multiplication of commissions. This country is cursed with too many commissions that are made and selected and have accomplished no good to the country or for the cause which they are appointed to serve. It seems to be a very popular thing to-day to appoint a commission. Is there any difficulty confronting us? Go and have an act of Congress passed. Is there any measure about which men are differing? Go and have an amendment to the Constitution passed, and if we do not stop this course of procedure the Constitution will soon be so amended that the dear old document will be unknowable in the future. It will be a patchwork of legislation instead of a fundamental charter. Then, if there is any trade or economic difficulty, the thing to do seems to be to appoint a commission that will rove around and oppress the citizens of the United States for a period of time, file a report, which will be pigeonholed and forgotten and never heard of in the future. I ask you gentlemen to reflect upon this sort of provision that we are asked to enact into law, namely, that this commission or any employee or any agent may prepare a catechism to be submitted to any one or more of citizens of this country which they shall be required to answer under oath or go to jail. Such a questionnaire ought at least to have the approval of the commission, and every irresponsible employee or agent ought not to be permitted to address these questions to the people of the different communities and compel citizens to answer them on oath. I am unalterably and conscientiously opposed to this wasteful, extravagant, and oppressive measure, and it ought to receive the condemnation of this House.

Mr. BANKHEAD. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. TUCKER].

Mr. TUCKER. Mr. Speaker, I have never seen this bill until this moment, but, like my colleague from Alabama [Mr. BANKHEAD], I had the honor to oppose the original proposition last summer. I do not claim to be a prophet nor the son of a prophet, but I had occasion to say at that time that if that commission were organized, as it was to make a sweeping investigation of this whole question and to make a report on the 1st of January, we would find, if there was no change in the condition between employer and employee in the coal business, that when January came they would report to us not telling us how we could get coal to keep from freezing but would come to us and tell us why we did not have it. I have that report now in my hand.

Mr. JOHNSON of Washington. Did the gentleman ever hear of a commission of this kind ever getting through?

Mr. TUCKER. Never in the world. Here is a report of that commission that was to make a "sweeping" investigation, and they report here that they have bought the brooms to make the sweep, but they have not yet made the sweep; that they have secured 56 technical and 96 nontechnical employees——

Mr. WYANT. Mr. Speaker, will the gentleman yield?

Mr. TUCKER. Yes.

Mr. WYANT. Do I understand the gentleman to say that that is the report which costs the Government $200,000?

Mr. TUCKER. Yes, indeed; that is all.

Mr. DAVIS of Tennessee. I call attention to the fact that as Congress adjourns in a day or so and will not be in session until December, if they go ahead and investigate and make another report, Congress could not act upon it either to help this winter or next winter.

Mr. TUCKER. No; but Congress will be called upon next winter to pay the bill. Mr. Speaker, as my friend from Pennsylvania [Mr. GRAHAM] said, the time has come when commissions, bureaus, autocrats, and autocracy must be driven from our councils or this country is to be bankrupt.

Mr. HILL. Mr. Speaker, will the gentleman yield?

Mr. TUCKER. Yes.

Mr. HILL. Did the gentleman vote yesterday for the farm credits bill?

Mr. TUCKER. I did not. How did the gentleman vote?

Mr. HILL. I did not vote for it.

Mr. TUCKER. Mr. Speaker, when this bill originally was before the House I remember it was pointed out in the discussion, and if not in the discussion it was a point made in the hearings, that the salvation and the cure of this great question was for Congress to undertake to fix the price of coal at the mines.

Mr. WYANT. Mr. Speaker, will the gentleman again yield?

Mr. TUCKER. Yes.

Mr. WYANT. In speaking of the price of coal at the mine, I wish to state for the gentleman's information that bituminous coal can not be sold at the mine to-day for more than $2 a ton, and I understand the same coal is being sold for $15 and $16 a ton in the city of Washington.

Mr. TUCKER. I am obliged to the gentleman. The fundamental question at the bottom of this whole matter is a question between capital and labor. Why do you not attempt to meet it? Ah, you say you are going to try to fix the price of coal at the mines. Where do you get the power? In the remarks I submitted last summer I had the honor to declare that Congress had no such power, and since that time the Supreme Court of the District of Columbia has so decided; that if such power resided anywhere under the decisions of the court from Munn *v.* Illinois down to the present time, the States may fix the price of coal at the mines. Why do not they tackle the question that is at the bottom of this trouble? Instead of that, as my friends here say, $10,000 would pay the expense of the investigation to get all of the information that is desired. There is a houseful of testimony here that has been made by commissions in the last 20 years, and there is not a fact which the fact-finding commission is asked to go after that has not been found before. There are carloads of volumes of it. What do you want with facts? You have got them. You are shirking the real fact, you are shirking that great fact that is at the basis of this whole question, and that is the question between the employer and the employee. Until we are willing to meet that, we can not accomplish anything by spending money to give commissions the power to go on and on forever.

The SPEAKER pro tempore. The time of the gentleman from Virginia has expired.

Mr. BANKHEAD. Mr. Speaker, I yield the remainder of my time to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. Mr. Speaker, when this bill was originally before the House I ventured to predict that we were in possession of practically all of the material facts in reference to the coal industry, the operation of mines, and the distribution of the product. About the same time a statement was made in the Senate by a very prominent Member that we knew practically all of the facts. I venture to believe that when the report of January 1, which we have already received from this commission, is followed by a report next July or some time later, it will parallel in character the report that has already come in. There is not one single fact covered by the report of January 1 of which my friend from Illinois [Mr. GRAHAM] or my friend from Massachusetts [Mr. WINSLOW], the chairman of the Committee on Interstate and Foreign Commerce, or any other intelligent man, was ignorant. There is likely to be the same result when further reports are made. If a force of something like 175 employees, and that I understand is the force that has been built up by the commission, was not able to get anything of value up to the 1st of January, is it to be thought that the expenditures of $400,000 additional will in a very short period, and an increased force, assist in furnishing data to this Congress which will be found in any way useful?

Now, it is just as true as it can be, as my colleague from Virginia said a minute ago, that you have had investigation after investigation and report after report with reference to the coal industry until the subject is practically exhausted, the late Vice President of the United States and the distinguished engineer, Mr. John Hays Hammond, to the contrary notwithstanding. I happened, for instance, to be connected before I came to this House with most extensive investigations made by the Interstate Commerce Commission on this very subject. There were elaborate hearings, arguments, and reports. There was no phase of the entire situation overlooked.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MOORE of Virginia. When voluminous reports are brought in here a few months hence is there anyone within the

sound of my voice who thinks they will get much consideration or prove of real value? I submit that question to the gentlemen of the House. [Applause.]

Mr. WINSLOW. Mr. Speaker, early last autumn this Congress brought out a bill and passed it by a big vote, and we hoped thereby, through the creation of a coal commission, to find out, if possible, the matter with the coal industry in all its phases. What did we tell that commission to do?

It shall be the duty of the commission to study the problems and questions relative to the coal industry, with a view to and for the purpose of aiding, assisting, and advising Congress in matters of legislation which will insure a supply of this commodity to the industries and to the people generally throughout the country and maintain an uninterrupted flow of commerce among the States, or any legislation which Congress may, after said investigation, deem wise, and which, under the Constitution, Congress has the power to enact.

And what else?

To this end said commission shall ascertain and report to the President and Congress: As to the ownership and titles of the mines; prices of coal; the organizations and persons connected with the coal industry; cost of production; profits realized by the operators or owners of said mines during the last 10 years; profits of other persons or corporations having to do with production, distribution, or sale of coal; labor costs; wages paid; wage contracts; irregular production; waste of coal and suggestions as to the remedy for the same; the conditions generally under which coal is produced; distribution; the causes which from time to time induce strikes, thereby depriving interstate carriers of their fuel supply and otherwise interrupting the flow of interstate commerce; and all facts, circumstances, or conditions which would be deemed helpful in determining and establishing a wise and efficient policy by the Government relative to said industry.

Again we directed them thus:

Said commission shall, under the provisions of this act, make a separate investigation and report for the anthracite industry, which investigation and report shall cover all of the matters specified in the last preceding paragraph, and shall cover also every other phase of the anthracite industry, including the production, transportation, and distribution of anthracite, and the organized or other relationships, if any, among the mine operators or the mine workers, or among any persons engaged in the production, transportation, or distribution of coal.

Why, it would take the ordinary man two months to find out what that paragraph meant, let alone bringing any results. The approval of this act was in 1922, and they had only October and November to organize and get in motion. They could not be expected to make a report on the 15th of January for a much longer period than up to the 1st of December. What should we expect in a great undertaking like that started here and put upon the shoulders of mortals only about two months before? The thing could not be done. Why camouflage it? It is simply useless. Now, as to the amount of money involved, when the Secretary of Commerce brought this matter to me, as chairman of the Committee on Interstate and Foreign Commerce, we agreed the amount of money which should be reported in the bill for the use of the commission be $750,000. We felt that perhaps it would look pretty large. However, in the report of the Interstate Commerce Committee we cut it down to $500,000, and believed that amount of money would be used, and we brought the same as a recommendation in a provision of the bill in here; and in order to please people and facilitate its passage we agreed on $300,000——

Mr. BANKHEAD. Will the gentleman yield for a question?

Mr. WINSLOW. If it is quick and sharp.

Mr. BANKHEAD. Is it the gentleman's opinion ultimately that they will spend $750,000 and——

Mr. WINSLOW. I would not be surprised if they did. As I say, we cut it to $300,000. Then we went into conference, and the Senators wanted it $100,000, on the assumption that if the money was not enough the commission would probably come back to Congress for more. So we compromised on $200,000, and there it stood. No rhyme nor reason about it. It stood there at $200,000.

First of all they came to the Director of the Budget and made him believe, as they made our committee believe and as they made the President believe, that the commissioners need an extra sum of money which would be in total $100,000 more than the $500,000 our committee asked the Congress to appropriate in the first instance. Time is fleeting. I want to answer questions. But here is the situation, my friends: The Congress of the United States in good faith, at a time most acute with respect of the coal situation, told the people of this country that Congress would undertake some way to find out what was at the bottom of what the people regarded as a devilish, monstrous business—the coal business. Our way was through the medium of this bill as it was originally passed. Now, shall we stop in the middle of the river or go on through and keep faith with our suffering citizens? [Applause.]

The SPEAKER pro tempore. The question is on the motion of the gentleman from Massachusetts [Mr. WINSLOW] to suspend the rules and pass the bill.

Mr. BLANTON. Mr. Speaker, I demand a division.

The SPEAKER pro tempore. A division is demanded.

The House divided; and there were—ayes 98, noes 32.

Mr. BLANTON. Mr. Speaker, I object to the vote because there is no quorum present, and I make the point of order that there is no quorum present.

The SPEAKER pro tempore. Evidently there is no quorum present.

Mr. WINSLOW. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will bring in the absentees, and the Clerk will call the roll. Those in favor of suspending the rules and passing the bill will when their names are called answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 212, nays 76, not voting 138, as follows:

YEAS—212.

Ackerman	Fess	Kreider	Reed, N. Y.
Anderson	Fields	Lampert	Rhodes
Andrew, Mass.	Fish	Larson, Minn.	Ricketts
Andrews, Nebr.	Fisher	Lawrence	Roach
Appleby	Fitzgerald	Lazaro	Robertson
Arentz	Fordney	Lea, Calif.	Rogers
Atkeson	Foster	Leatherwood	Rossdale
Bacharach	Free	Lee, Ga.	Sanders, Ind.
Barbour	French	Lee, N. Y.	Sanders, N. Y.
Barkley	Frothingham	Little	Sandlin
Beck	Fuller	Logan	Shaw
Beedy	Fulmer	Longworth	Shreve
Begg	Gahn	Luce	Siegel
Benham	Gallivan	McArthur	Sinclair
Black	Gernerd	McKenzie	Sinnott
Blakeney	Gifford	McLaughlin, Mich.	Smith, Idaho
Bland, Ind.	Gilbert	McLaughlin, Nebr.	Smithwick
Boies	Glynn	McLaughlin, Pa.	Speaks
Bond	Goldsborough	McPherson	Sproul
Burke	Graham, Ill.	MacLafferty	Stafford
Burton	Green, Iowa	Madden	Steenerson
Butler	Greene, Mass.	Magee	Stephens
Byrns, Tenn.	Griest	Mapes	Strong, Kans.
Cable	Hardy, Colo.	Mead	Summers, Wash.
Campbell, Kans.	Haugen	Merritt	Swank
Campbell, Pa.	Hawley	Michener	Sweet
Carew	Hayden	Miller	Swing
Chalmers	Henry	Mills	Tague
Chindblom	Herrick	Moore, Ohio	Taylor, N. J.
Christopherson	Hersey	Moores, Ind.	Ten Eyck
Clague	Hickey	Mott	Thompson
Clarke, N. Y.	Hicks	Murphy	Tilson
Cole, Iowa	Hill	Nelson, Me.	Tincher
Cole, Ohio	Hoch	Nelson, J. M.	Tinkham
Collins	Hogan	Newton, Minn.	Underhill
Colton	Huck	Newton, Mo.	Upshaw
Couper, Ohio	Huddleston	Norton	Vaile
Cooper, Wis.	Hull	O'Brien	Vestal
Coughlin	Humphrey, Nebr.	O'Connor	Vinson
Curry	Husted	Ogden	Voigt
Dallinger	Hutchinson	Parker, N. Y.	Volk
Dempsey	Ireland	Paul	Volstead
Dickinson	James	Perkins	Wason
Doughton	Kearns	Petersen	Watson
Dowell	Kelly, Pa.	Porter	White, Kans.
Dunn	Ketcham	Pringey	Williams, Ill.
Dupré	Kiess	Purnell	Williamson
Dyer	Kirkpatrick	Quin	Wilson
Elliott	Kissel	Raker	Winslow
Evans	Kline, Pa.	Ramseyer	Woodruff
Fairchild	Knutson	Rankin	Wurzbach
Favrot	Kopp	Ransley	Yates
Fenn	Kraus	Rayburn	Young

NAYS—76.

Abernethy	Darrow	Johnson, Wash.	Reber
Aswell	Davis, Tenn.	Jones, Tex.	Reed, W. Va.
Bankhead	Deal	Kendall	Riordan
Bell	Dominick	Kincheloe	Robsion
Bixler	Drewry	Langley	Rouse
Bland, Va.	Driver	Lankford	Rucker
Blanton	Dunbar	Larsen, Ga.	Sanders, Tex.
Bowers	Echols	London	Sisson
Bowling	Edmonds	Lowrey	Steagall
Box	Garrett, Tenn.	Lyon	Stevenson
Briggs	Garrett, Tex.	McDuffie	Strong, Pa.
Brooks, Pa.	Graham, Pa.	McSwain	Sumners, Tex.
Buchanan	Hammer	Mansfield	Tillman
Bulwinkle	Hardy, Tex.	Moore, Va.	Tucker
Byrnes, S. C.	Hooker	Oldfield	Turner
Carter	Hudspeth	Oliver	Tyson
Collier	Humphreys, Miss.	Parker, N. J.	Weaver
Connally, Tex.	Jeffers, Ala.	Pou	Wright
Crisp	Johnson, Ky.	Radcliffe	Wyant

NOT VOTING—138.

Almon	Chandler, Okla.	Ellis	Hawes
Ansorge	Clark, Fla.	Fairfield	Hays
Anthony	Classon	Faust	Himes
Bird	Clouse	Focht	Hukriede
Brand	Codd	Frear	Jacoway
Brennan	Connolly, Pa.	Freeman	Jefferis, Nebr.
Britten	Copley	Funk	Johnson, Miss.
Brooks, Ill.	Crago	Garner	Johnson, S. Dak.
Brown, Tenn.	Cramton	Gensman	Jones, Pa.
Browne, Wis.	Crowther	Goodykoontz	Kahn
Burdick	Cullen	Gorman	Keller
Burtness	Dale	Gould	Kelley, Mich.
Cannon	Davis, Minn.	Greene, Vt.	Kennedy
Cantrill	Denison	Griffin	Kindred
Chandler, N. Y.	Drane	Hadley	King

Kitchin	Moore, Ill.	Rosenbloom	Thomas
Kleczka	Morgan	Ryan	Thorpe
Kline, N. Y.	Morin	Sabath	Timberlake
Knight	Mudd	Schall	Towner
Kunz	Nelson, A. P.	Scott, Mich.	Treadway
Lanham	Nolan	Scott, Tenn.	Walters
Layton	Olpp	Sears	Ward, N. Y.
Lehlbach	Overstreet	Shelton	Ward, N. C.
Lineberger	Paige	Slemp	Webster
Linthicum	Park, Ga.	Smith, Mich.	Wheeler
Luhring	Parks, Ark.	Snell	White, Me.
McClintic	Patterson, Mo.	Snyder	Williams, Tex.
McCormick	Patterson, N. J.	Stedman	Wingo
McFadden	Perlman	Stiness	Wise
MacGregor	Rainey, Ala.	Stoll	Wood, Ind.
Maloney	Rainey, Ill.	Sullivan	Woods, Va.
Martin	Reece	Taylor, Ark.	Woodyard
Michaelson	Riddick	Taylor, Colo.	Zihlman
Mondell	Rodenberg	Taylor, Tenn.	
Montague	Rose	Temple	

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

The following additional pairs were announced:

Mr. Faust and Mr. Browne of Wisconsin (for) with Mr. Goodykoontz (against).

Additional pairs:

Mr. Snyder with Mr. Brand.
Mr. Patterson of New Jersey with Mr. Lanham.
Mr. Lineberger with Mr. Wise.
Mr. Cramton with Mr. Stedman.
Mr. Anthony with Mr. Martin.
Mr. Crowther with Mr. Cullen.
Mr. Denison with Mr. Garner.
Mr. Frear with Mr. Kitchin.
Mr. Morin with Mr. Rainey of Illinois.
Mr. Snell with Mr. Wingo.
Mr. Temple with Mr. Sabath.
Mr. MacGregor with Mr. Linthicum.
Mr. Timberlake with Mr. Sears.
Mr. Lehlbach with Mr. Drane.
Mr. Connolly of Pennsylvania with Mr. Taylor of Arkansas.
Mr. Davis of Minnesota with Mr. Stoll.

The result of the vote was announced as above recorded.

The doors were opened.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had insisted upon its amendments to the joint resolution (H. J. Res. 422) permitting the entry free of duty of certain domestic animals which have crossed the boundary line into foreign countries, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McCUMBER, Mr. SMOOT, and Mr. JONES of New Mexico as the conferees on the part of the Senate.

The message also announced that, pursuant to the provisions of Senate Resolution 464, the Vice President had appointed Mr. WALSH of Montana, Mr. ROBINSON, Mr. WADSWORTH, Mr. WATSON, Mr. CALDER, and Mr. WALSH of Massachusetts as the committee on the part of the Senate to attend the funeral of the Hon. W. BOURKE COCKRAN, late a Representative from the State of New York.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 14408) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House, and had appointed Mr. WARREN, Mr. CURTIS, and Mr. OVERMAN as the conferees on the part of the Senate.

AMENDING AND MODIFYING THE WAR INSURANCE ACT.

Mr. SWEET. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 14401) to amend and modify the war insurance act as amended.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 29 of the war risk insurance act as amended by act approved August 9, 1921, is hereby amended to read as follows:

"SEC. 29. The discharge or dismissal of any person from the military or naval forces on the ground that he is guilty of mutiny, treason, spying, or any offense involving moral turpitude, or willful and persistent misconduct, of which he has been found guilty by a court-martial, or that he is an enemy alien, conscientious objector, or a deserter, shall terminate any insurance granted on the life of such person under the provisions of article 4 and shall bar all rights to any compensation under article 3 or any insurance under article 4: *Provided*, That, as to converted insurance, the cash surrender value thereof, if any, on the date of such discharge or dismissal shall be paid the insured, if living, and if dead to the designated beneficiary: *Provided further*, That an enemy alien who volunteered or who was drafted into the Army, Navy, or Marine Corps of the United States during the World War, and who was not discharged from the service on his own application or solicitation by reason of his being an enemy alien, and whose service was honest and faithful, shall be entitled to the benefits of the war risk insurance act and all amendments thereto: *Provided further*, That in case any person has been dishonorably discharged from the military or naval forces as a result of a court-martial trial, and it is thereafter established to the satisfaction of the director that at the time of the commission of the offense resulting in such court-martial trial and discharge that such person was insane, such person shall be entitled to the compensation and insurance benefits of the war risk insurance act: *Provided further*, That this section as amended shall be deemed to be in effect as of April 6, 1917, and the director is hereby authorized and directed to make provision by bureau regulation for payment of any insurance claim or adjustment in insurance premium account of any insurance contract which would not now be affected by this section as amended."

SEC. 2. That section 300 of the war risk insurance act, as amended by the act approved August 9, 1921, is hereby amended to read as follows:

"SEC. 300. For death or disability resulting from personal injury suffered or disease contracted in the line of duty on or after April 6, 1917, or for an aggravation of a disability existing prior to examination, acceptance, and enrollment for service, when such aggravation was suffered and contracted in the line of duty on or after April 6, 1917, by any commissioned officer or enlisted man, or by any member of the Army Nurse Corps (female) or of the Navy Nurse Corps (female) when employed in the active service under the War Department or Navy Department, the United States shall pay to such commissioned officer or enlisted man, member of the Army Nurse Corps (female) or of the Navy Nurse Corps (female) or, in the discretion of the director, separately to his or her dependents, compensation as hereinafter provided; but no compensation shall be paid if the injury, disease, or aggravation has been caused by his own willful misconduct. That for the purposes of this section every such officer, enlisted man, or other member employed in the active service under the War Department or Navy Department who was discharged or who resigned prior to August 9, 1921, and every such officer, enlisted man, or other member employed in the active service under the War Department or Navy Department on or before November 11, 1918, who on or after August 9, 1921, is discharged or resigns shall be conclusively held and taken to have been in sound condition when examined, accepted, and enrolled for service, except as to defects, disorders, or infirmities made of record in any manner by proper authorities of the United States at the time of or prior to inception of active service to the extent to which any such defect, disorder, or infirmity was so made of record: *Provided*, That an ex-service man who is shown to have a neuropsychiatric disease or an active tuberculous disease developing a 10 per cent degree of disability or more in accordance with the provisions of subdivision (2) of section 302 of the war risk insurance act, as amended, and such showing was also made upon examination by a medical officer of the Veterans' Bureau or by a legally qualified physician made within three years after separation from the active military or naval service of the United States shall be considered to have acquired his disability in such service or to have suffered an aggravation of a preexisting neuropsychiatric disease or tuberculosis in such service, but nothing in this proviso shall be construed to prevent a claimant from receiving the benefits of compensation and medical care and treatment for a disability due to these diseases of more than 10 per cent degree (in accordance with the provisions of subdivision (2), section 302, of the war risk insurance act, as amended) at a date more than three years after separation from such service if the facts of the case substantiate his claim: *And provided further*, That compensation as hereinafter provided may be paid for disability resulting from personal injury or disease contracted in line of duty prior to April 6, 1917, or for aggravation of a disability existing prior to examination, acceptance, and enrollment for service for such aggravation suffered and contracted in line of duty prior to April 6, 1917, by any member of the military or naval forces in active service on April 6, 1917, who was discharged subsequent to April 6, 1917. With the exception of members of the military and naval forces whose injury was suffered or disease contracted prior to April 6, 1917, this section shall be deemed to be in effect as of April 6, 1917."

SEC. 3. That subdivision (g) of section 301 of the war risk insurance act, as amended by the act approved December 24, 1919, is hereby amended to read as follows:

"(g) (1) If there is a dependent mother (or dependent father), $20, or both, $30. The amount payable under this subdivision shall not exceed the difference between the total amount payable to the widow and children and the sum of $75. This compensation shall be payable for the death of but one child, and no compensation for the death of a child shall be payable if the dependent mother is in receipt of compensation under the provisions of this article for the death of her husband. Such compensation shall be payable whether the dependency of the father or mother or both arises before or after the death of the person, but no compensation shall be payable if the dependency arises more than five years after the death of the person.

"(2) If death occur or shall have occurred subsequent to April 6, 1917, and before discharge or resignation from the service, the United States shall pay for burial expenses and the return of the body to his home a sum not to exceed $100, as may be fixed by regulation. Where a veteran of any war dies after discharge or resignation from the service and does not leave sufficient assets to meet the expense of his burial and the transportation of his body, and such expenses are not otherwise provided for, the United States Veterans' Bureau shall pay the following sums: For a flag to drape the casket, and after burial to be given to the next of kin of the deceased, a sum not exceeding $5; also for burial expenses, a sum not exceeding $100, to such person or persons as may be fixed by regulations: *Provided*, That subject to regulations, where death occurs while such person is receiving governmental medical, surgical, or hospital treatment or vocational training, the United States Veterans' Bureau shall pay, in addition to burial expenses, the actual and necessary cost of the transportation of the body of such person (including preparation of the body) to the place of burial within the continental limits of the United States.

"(3) The payment of compensation to a widow shall continue until her death or remarriage.

"(4) The payment of compensation to or for a child shall continue until such child reaches the age of 18 years or marries, or if such child be incapable because of insanity, idiocy, or being otherwise permanently helpless, then during such incapacity.

"(5) Whenever the compensation payable to or for the benefit of any person under the provisions of this section is terminated by the happening of the contingency upon which it is limited, the compensation thereafter for the remaining beneficiary or beneficiaries, if any, shall be

the amount which would have been payable to them if they had been the sole original beneficiaries.

"(6) As between the widow and the children not in her custody, and as between children, the amount of compensation shall be apportioned as may be prescribed by regulation.

"(7) The term 'widow' as used in this section shall not include one who shall have married the deceased later than 10 years after the time of injury, and shall include widower whenever his condition is such that if the deceased person were living he would have been dependent upon her for support.

"(8) That section 301 of the war risk insurance act, as amended, shall be deemed to be in effect as of April 6, 1917: *Provided, however,* That before compensation thereunder shall be paid there shall first be deducted from said sum so to be paid the amount of any payments such person may have received by way of gratuities or payments under pension laws in force and existence between April 6, 1917, and October 6, 1917."

SEC. 4. That subdivision (6) of section 302 of the war risk insurance act is hereby amended to read as follows:

"(6) In addition to the compensation above provided, the injured person shall be furnished by the United States such reasonable governmental medicinal, surgical, and hospital services and with such supplies, including wheel chairs, artificial limbs, trusses, and similar appliances, as the director may determine to be useful and reasonably necessary, which wheeled chairs, artificial limbs, trusses, and similar appliances may be procured by the United States Veterans' Bureau in such manner, either by purchase or manufacture, as the director may determine to be advantageous and reasonably necessary: *Provided,* That nothing in this act shall be construed to affect the necessary military control over any member of the Military or Naval Establishments before he shall have been discharged from the military or naval service: *Provided,* That all hospital facilities under the control and jurisdiction of the United States Veterans' Bureau shall be available for veterans of the Spanish-American War, the Philippine insurrection, and the Boxer rebellion, suffering from neuropsychiatric or tubercular ailments and diseases, including transportation as granted to those receiving compensation and hospitalization under the war risk insurance act."

SEC. 5. That section 306 of the war risk insurance act, as amended by the act approved August 9, 1921, is hereby amended to read as follows:

"SEC. 306. That no compensation shall be payable for death or disability which does not occur prior to or within one year after discharge or resignation from the service, except that where after medical examination made on evidence submitted pursuant to regulations, a certificate has been obtained from the director at the time of discharge or resignation from the service or prior to the expiration of one year after the passage of this amendatory act to the effect that the injured person at the time of his discharge or resignation was suffering from injury likely to result in death or disability, such certificate, except in case of fraud, shall be incontestable evidence that the injury for which it is issued was suffered in or aggravated by service, and compensation shall be payable in accordance with the provisions of Article III of the war risk insurance act, as amended, for death or disability whenever occurring, proximately resulting from such injury: *Provided,* That such certificate shall issue only where there is an official record of the injury during service or at the time of separation from active service, or where before March 1, 1924, satisfactory evidence is furnished the bureau to establish that the injury was suffered or aggravated during active service: *Provided,* That where there is official record of injury during service, compensation shall be payable in accordance with the provisions of said Article III for death or disability whenever occurring, proximately resulting from such injury."

SEC. 6. That section 308 of the war risk insurance act is hereby amended to read as follows:

"SEC. 308. That no compensation shall be payable for death inflicted as a lawful punishment for crime or military offense except when inflicted by the enemy. A dismissal or discharge by sentence of court-martial from the service shall bar and terminate all right to any compensation under the provisions of this article for the period of service from which such discharge is given."

SEC. 7. That section 408 of the war risk insurance act is hereby amended to read as follows:

"SEC. 408. In the event that all provisions of the rules and regulations other than the requirements as to the physical condition of the applicant for insurance have been complied with, an application for reinstatement of lapsed or canceled yearly renewable term insurance or application for United States Government life insurance (converted insurance) hereafter may be approved: *Provided,* That the applicant's disability is the result of an injury or disease, or of an aggravation thereof, suffered or contracted in the active military or naval service during the World War: *Provided further,* That the applicant during his lifetime submits proof satisfactory to the director showing the service origin of the disability or aggravation thereof and that the applicant is not totally and permanently disabled. As a condition, however, to the acceptance of an application for the reinstatement of lapsed or canceled yearly renewable term insurance or United States Government life insurance (converted insurance) the applicant shall be required to pay all the back monthly premiums which would have become payable if such insurance had not lapsed, together with interest at the rate of 5 per cent per annum compounded annually on each premium from the date said premium is due by the terms of the policy: *Provided further,* That where any soldier has heretofore allowed his insurance to lapse, while suffering from wounds or disease suffered or contracted in line of service, and was at the time he allowed his insurance to lapse entitled to compensation on account thereof in a sum equal to or in excess of the amount due from him in premiums on his said insurance, and dies or has died from said wounds or disease, or becomes or has become permanently and totaly disabled by reason thereof, without collecting said compensation, and at the time of such death or permanent total disability had or has sufficient uncollected compensation to pay all unpaid premiums, then and in that event said policy shall not be considered as lapsed, and the United States Veterans' Bureau is hereby authorized and directed to pay to the said soldier or his beneficiaries under said policy the amount of said insurance less the premiums and interest thereon at 5 per cent per annum compounded annually in installments as provided by law: *Provided further,* That where any soldier has heretofore allowed his insurance to lapse, while suffering from wounds or disease contracted in line of service, and has applied for reinstatement thereof in whole or in part, and where at the time of such application he was not totally and permanently disabled, and where he was not allowed to reinstate because of health condition other than total permanent disability, and where said soldier has since died from said wounds or disease or has become permanently and totally disabled by reason thereof, then and in that event the United States Veterans' Bureau is hereby authorized and directed to pay to said soldier or his beneficiaries the amount of insurance attempted to be reinstated less the premiums and interest thereon at 5 per cent per annum compounded annually in installments as provided by law": *Provided further,* That the Comptroller General of the United States is hereby authorized and directed to allow credit in the accounts of the disbursing clerk of the United States Veterans' Bureau for all payments of insurance installments hereafter made, without verification of the deductions on the pay roll of such premium as may have accrued prior to January 1, 1921, while the insured was in the service.

SEC. 8. That section 409 of the war risk insurance act is hereby amended to read as follows:

"SEC. 409. The United States Veterans' Bureau is authorized to make provision in accordance with regulations whereby the payment of premiums on yearly renewable term insurance and United States Government life insurance (converted insurance) on the due date thereof may be waived and the insurance may be deemed not to lapse in the cases of the following persons, to wit: (a) Those who are confined in a hospital under said bureau for a compensable disability during the period while they are so confined; (b) those who are rated as temporarily totally disabled by reason of an injury or disease entitling them to compensation during the period of such total disability and while they are so rated; (c) those who, while mentally incompetent and for whom no legal guardian had been or has been appointed; allowed or may allow their insurance to lapse while such rating is effective during the period for which they have been or hereafter may be so rated, the waiver in such cases to be made without application and retroactive where necessary: *Provided,* That such relief from payment of premiums on yearly renewable term insurance on the due date thereof shall be for full calendar months beginning with the month in which said confinement to hospital, temporary total disability rating, or in cases of mental incompetents for whom no guardian has been appointed with the months in which such rating or mental incompetency began or begins, and ending with that month during the half or major fraction of which the person is confined in hospital, is rated as temporarily totally disabled or had or has no legal guardian while rated as mentally incompetent: *Provided further,* That all premiums the payment of which when due is waived as above provided shall bear interest at the rate of 5 per cent per annum, compounded annually, from the due date of each premium, and if not paid by the insured shall be deducted from the insurance in any settlement thereunder or when the same matures either because of permanent total disability or death: *And provided further,* That in the event any lien or other indebtedness established by this act exists against any policy of converted insurance in excess of the then cash surrender value thereof at the time of the termination of such policy of converted insurance for any reason other than by death or total permanent disability, the director is hereby authorized to transfer and pay from the military and naval insurance appropriation to the United States Government life insurance fund a sum equal to the amount such lien or indebtedness exceeds the then cash surrender value."

SEC. 9. That section 411 of the war risk insurance act is hereby amended to read as follows:

"SEC. 411. Subject to the provisions of section 29 of the war risk insurance act and amendments thereto policies of insurance heretofore or hereafter issued in accordance with Article IV of the war risk insurance act shall be incontestable after the insurance has been in force six months from the date of issuance, or reinstatement, except for fraud or nonpayment of premiums: *Provided,* That a letter mailed by the United States Veterans' Bureau to the insured at his last known address informing him of the invalidity of his insurance shall be deemed a contest within the meaning of this section: *Provided further,* That this section shall be deemed to be in effect as of April 6, 1917."

SEC. 10. That a new section is hereby added to Article IV of the war risk insurance act (including therein section 18 of the act entitled "An act to amend and modify the war risk insurance act," approved December 24, 1919), to be known as section 412, and to read as follows:

"SEC. 412. That all premiums paid on account of insurance converted under the provisions of Article IV of the war risk insurance act shall be deposited and covered into the Treasury to the credit of the United States Government life-insurance fund and shall be available for the payment of losses, dividends, refunds, and other benefits provided for under such insurance. Payments from this fund shall be made upon and in accordance with awards by the director.

"The United States Veterans' Bureau is hereby authorized to set aside out of the fund so collected such reserve funds as may be required, under accepted actuarial principles, to meet all liabilities under such insurance; and the Secretary of the Treasury is hereby authorized to invest and reinvest the said United States Government life-insurance fund, or any part thereof, in interest-bearing obligations of the United States or bonds of the Federal farm-loan banks and to sell said obligations of the United States or the bonds of the Federal farm-loan banks for the purposes of such fund."

The SPEAKER pro tempore. Is a second demanded?

Mr. BARKLEY. I demand a second.

Mr. SWEET. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Iowa is recognized for 20 minutes.

Mr. SWEET. Mr. Speaker and gentlemen of the House, this bill has been well considered. Some complaint may be made of its length, but I wish to say to the gentlemen of the House that, following a well-established custom in our committee, we usually set forth the section in full, even if there is a slight amendment to it, and that is what has added to the length of the bill in appearance. The truth is that many of the sections set forth in the bill are the present law with the exception of a slight modification.

Section 1 of the bill changes the law so that persons guilty of mutiny, treason, spying, or any offense involving moral turpi-

tude or willful and persistent misconduct will not be deprived of insurance and compensation benefits unless they have been found guilty by a court-martial. We have modified the law in that respect so that it does not deprive all of those who may have bad-conduct discharges, but simply those who have been found guilty by a court-martial. This section is made retroactive, and under the rules and regulations of the Veterans' Bureau insurance may be reinstated. There are about 8,000 who have been deprived of insurance at the present time by reason of the above causes. This will apply to about 2,000 cases, and, provided they pay all back premiums, their insurance can be reinstated. It is estimated that about 300 cases of compensation will be affected by this provision.

Section 2 of the bill amends section 300 of the war risk insurance act, so that a person who is suffering from a neuropsychiatric or tubercular disease developing within three years after separation from the service shall be considered to have acquired such disease while in the service. The present law limits the period to two years.

The word "pulmonary" is also stricken from the present law. The bill includes all persons suffering from neuropsychiatric or tubercular diseases, provided they have been examined by a medical officer of the bureau or a legally qualified physician and found to be suffering from a disability due to these diseases of more than 10 per cent degree within three years after separation from the active military or naval service of the United States.

The tuberculosis cases that would fall within the provisions of this section as amended would probably total about five to ten thousand and would cost the Government about $400,000 monthly, and a total of fifteen millions to cover a period of three years. This is exclusive of expenses of medical treatment and hospitalization, and the estimate is that this latter cost would equal the cost of compensation.

The mental cases, it is estimated in the first year, will cost in compensation about three millions, and the total cost, exclusive of the first year will be about fifteen millions, which will extend over a period of 11 years. This estimate does not include the cost of medical treatment and hospitalization, and this will probably be greater than the cost of compensation.

The total cost of the new provisions of this bill extending over a period of from two to three years for compensation would approximately be between thirty and forty millions, and when the cost of medical treatment and hospitalization is added to the above the total cost of the new provisions in this section will be substantially increased.

Mr. BARKLEY. Will the gentleman yield?

Mr. SWEET. I will.

Mr. BARKLEY. In order to make that clear in the act, the service man that is examined by the physician and found to be suffering with more than 10 per cent disability of tuberculosis is presumed to have contracted it in the military service.

Mr. SWEET. The gentleman is correct, and the word "pulmonary" is stricken out. It is not confined to the lungs.

Mr. BARKLEY. But if he has tuberculosis of any sort.

Mr. SWEET. Yes.

Mr. JEFFERS of Alabama. Under the present law the time is two years, and this changes it to three years.

Mr. SWEET. It does.

Mr. JEFFERS of Alabama. Are the requirements about proof the same as they have been?

Mr. SWEET. The only change is the extension of one year.

Mr. JEFFERS of Alabama. The bureau now, in addition to the two years, demands a certain leeway of a month or two—that is, they give him two years and some months.

Mr. SWEET. In tubercular cases.

Mr. JEFFERS of Alabama. Will the bureau still be able to conduct it in the same way?

Mr. SWEET. Provided the man has been examined by a medical officer of the bureau or a legally qualified physician outside of the bureau within the three years.

Mr. JEFFERS of Alabama. Can they add their regulations to the three years, as they have added to the two years?

Mr. SWEET. If they have been examined by a medical officer of the bureau, or a legally qualified physician, and found to be suffering from a disability due to these diseases of more than 10 per cent within the three years after separation from the service.

Mr. JEFFERS of Alabama. Just as they have done within the two years?

Mr. SWEET. I think so, provided he has been examined by a medical officer of the bureau or a legally qualified physician within the three years.

Mr. MILLER. Did I understand the gentleman correctly when he said that section 2 would affect between ten and fifteen thousand men?

Mr. SWEET. Yes.

Mr. MILLER. Then there are that number of men who are neuropsychiatric and tubercular cases, developed since they left the service?

Mr. SWEET. Yes.

Mr. BLANTON. Where a man can show that when he entered the service he was physically sound and can show within three years after he was discharged that he has active tuberculosis, then he comes within the provisions of this bill?

Mr. SWEET. He does.

Mr. COLE of Iowa. Would he have to be examined within three years?

Mr. SWEET. He must have been examined by a physician within three years under this provision.

Mr. COLE of Iowa. He can not be examined now.

Mr. SWEET. If it is beyond the three years after his separation from the service; no.

Mr. SANDERS of Indiana. As a matter of fact, he is presumed to have left the service and to have been sound in body and mind when he entered the service.

Mr. SWEET. Yes; that is true.

Mr. NEWTON of Minnesota. The examination by the physician in the bureau or outside of the bureau within the three-year period must of course show either a nervous ailment or an active tubercular ailment within the definition of the statute.

Mr. SWEET. Yes; within the three years; that is true. The tubercular cases that fall within the provisions of this section probably total from five to ten thousand and will cost the Government about $400,000 monthly, or a total of $15,000,000 or over covering a period of three years.

Mr. BRIGGS. Is it not the intent and purpose of the committee recommending this legislation that this law shall be construed liberally?

Mr. SWEET. Yes; it should be construed fairly.

Mr. BRIGGS. I mean with a liberal intent in favor of the soldier instead of strictly against him? Is not that the purpose?

Mr. SWEET. That is the intent of the gentleman on the floor.

Mr. BRIGGS. Does the gentleman not think that is the intent of the committee?

Mr. SWEET. Yes.

Mr. BRIGGS. And the intent of the Congress?

Mr. SWEET. I think it is. The mental cases estimated in the first year will cost in compensation about $3,000,000; and the total cost, exclusive of the first year, will be about $15,000,000, which will extend over a period of 11 years. This estimate does not include the cost of medical treatment and hospitalization, and this would probably be greater than the cost of compensation.

Mr. HUDSPETH. I want to ask why the committee fixed the time at three years for tubercular cases—those who contracted tuberculosis? Might they not contract tuberculosis caused by the service after three years—four years, say?

Mr SWEET. The medical testimony shows quite conclusively that if a man has not shown any signs of tuberculosis within three years after separation from the service, in all probability it is not connected with the service. I am not saying that there are no cases of that kind, but the three years will cover the greater part of all those cases.

Mr. HUDSPETH. Would the gentleman object to an amendment extending the time to four years, so that there would not be any question about that?

Mr. SWEET. I am satisfied that full justice in this matter will be done by leaving it as it is in the bill. Of course, this bill is not subject to amendment in the manner in which we are considering it at this time.

Mr. SANDERS of Indiana. As a matter of fact the three-year period is just a period of presumption. A person may have tuberculosis after that time and trace it to the service, if there was something in the service that would lead a physician to form that opinion. There is nothing to prevent that. This three years is a matter of presumption.

Mr. HUDSPETH. But he would not come within the provisions of this bill, would he?

Mr. SANDERS of Indiana. Yes.

Mr. HUDSPETH. After three years, if he could trace it back to the service he would come within the provisions of the bill?

Mr. SANDERS of Indiana. Oh, yes. The three years' time is just a presumption period.

Mr. SWEET. I may say in answer to the gentleman from Texas that if a man can show by satisfactory evidence that his disease of tuberculosis is connected with the service, even if it be five years, he is entitled to the benefits of the act.

Section 3 provides that where a veteran of any war dies after discharge or resignation from the service and does not leave sufficient assets to meet the expense of burial and transportation of his body the United States Veterans' Bureau shall pay for a flag to drape the casket (and after burial to be given to the next of kin of the deceased) a sum not exceeding $5, and also for burial expenses a sum not exceeding $100. If death occurs while such person was receiving governmental medical, surgical, and hospital treatment or vocational training, the bureau shall pay in addition to burial expenses actual and necessary cost of transportation of the body, including the preparation of the body, to a place of burial within the continental limits of the United States. This provision is applicable to the veterans of all wars.

Mr. SWING. Will the gentleman yield?

Mr. SWEET. I will.

Mr. SWING. They have a rule now, handed down by the comptroller, that if a service man dies in his home and not in the service of the Government they will not pay his burial expenses. There are cases where the local Veterans' Bureau representative has directed an undertaker to bury the body, and when the bills were sent in to the Government, the ex-service man not having anything, the Veterans' Bureau turned it down.

Mr. SWEET. I may say to the gentleman whatever law we have on that subject is found in appropriation acts; it is not fundamental law.

Mr. SWING. It is not the law, but the King Totem, the high comptroller, who makes this practically the law in addition to the Congress.

Mr. STAFFORD. Will the gentleman yield?

Mr. SWEET. I will.

Mr. STAFFORD. Has any estimate been made of the total cost on the Treasury of the United States for the liberalization proposed by the gentleman.

Mr. SWEET. Somewhere between $30,000,000 and $40,000,000.

Mr. STAFFORD. For all time?

Mr. SWEET. To cover a reasonable period. It is simply an estimate.

Mr. STAFFORD. The gentleman just stated there would be expended $15,000,000 by the Government on the liberalization of those developing tuberculosis in three years on the presumption it was of Army origin.

Mr. SWEET. Yes; three years.

Mr. STAFFORD. That will amount to the life of the World War veteran?

Mr. SWEET. That has not been figured out.

Mr. STAFFORD. With the average life of the World War veteran it may reach pretty high.

Mr. SWEET. Of course, with tubercular patients the payments do not run very long in most instances. How much time have I consumed up to the present time?

The SPEAKER pro tempore. Fifteen minutes.

Mr. BRIGGS. Will the gentleman yield for one other question?

Mr. SWEET. I will.

Mr. BRIGGS. The purpose of the committee in eliminating the word "pulmonary" was to broaden the term "tuberculosis."

Mr. SWEET. Yes.

Mr. BRIGGS. The object in keeping in the term "neuropsychiatric" instead of specifying nervous complaints was to make that term more comprehensive and cover the problems that might arise.

Mr. SWEET. Yes; that is true.

There are now living 180,631 Civil War veterans, 234,000 Spanish-American War veterans, and 4,382,225 World War veterans, and it is estimated that 30 per cent of the above number will in all probability come under the provisions of this section. In all probability during the year 1924 about 22,000 persons will take advantage of this provision, and it is estimated the cost to the Government will be a little over $2,000,000. The estimated cost by years of providing burial expenses in the amount of $105 for each United States veteran of any war who dies after separation from the service and does not leave sufficient funds to meet these expenses, based on the number surviving January 1, 1923, as stated above, and assuming that deaths occur in accordance with the American experience table of mortality, and that 30 per cent of those dying will come within the provisions set forth in this bill, it would ultimately cost the Government of the United States $151,000,000, extending over a period of 64 years. I attach an estimate prepared by H. P. Brown, actuary of the Veterans' Bureau, on February 20, 1923, as follows:

Estimated cost, by years, of providing burial expenses in the amount of $105 for each United States veteran of any war who dies after separation from the service and does not leave sufficient funds to meet these expenses, based on the following number surviving January, 1923:

Civil War (actual figures)	180,631
Spanish-American War (estimated)	234,000
World War (estimated)	4,382,225

[Assuming that deaths occur in accordance with the American experience table of mortality and that 30 per cent of those dying each year come within the provisions stated above.]

Year.	Number dying during year.	$105×number dying during year.	$105×30 per cent of number dying.
1923	66,614	$6,994,470	$2,098,341
1924	65,274	6,853,770	2,056,131
1925	63,726	6,691,230	2,007,369
1926	61,927	6,502,335	1,950,701
1927	60,037	6,305,985	1,891,796
1928	58,270	6,118,350	1,835,505
1929	56,487	5,931,135	1,779,341
1930	54,834	5,757,570	1,727,271
1931	53,078	5,573,190	1,671,957
1932	51,399	5,396,895	1,619,069
1933	50,031	5,253,255	1,575,977
1934	49,121	5,157,705	1,547,312
1935	48,689	5,112,345	1,533,704
1936	48,764	5,120,115	1,536,035
1937	49,373	5,184,165	1,555,250
1938	50,531	5,305,755	1,591,727
1939	51,939	5,453,595	1,636,079
1940	53,583	5,626,215	1,687,865
1941	55,483	5,825,715	1,747,715
1942	57,534	6,041,070	1,812,321
1943	59,790	6,277,950	1,883,385
1944	62,211	6,532,155	1,959,647
1945	64,758	6,799,590	2,039,877
1946	67,534	7,091,070	2,127,321
1947	70,399	7,391,895	2,217,569
1948	73,457	7,712,985	2,313,896
1949	76,668	8,050,140	2,415,042
1950	80,060	8,406,300	2,521,890
1951	83,612	8,779,260	2,633,778
1952	87,318	9,168,390	2,750,517
1953	91,219	9,577,995	2,873,399
1954	95,185	9,994,425	2,998,328
1955	99,186	10,414,530	3,124,359
1956	103,227	10,838,835	3,251,651
1957	107,348	11,271,540	3,381,462
1958	111,411	11,698,155	3,509,447
1959	115,364	12,113,220	3,633,966
1960	119,144	12,510,120	3,753,036
1961	122,545	12,867,225	3,860,168
1962	125,531	13,180,755	3,954,227
1963	127,905	13,430,025	4,029,008
1964	129,463	13,593,615	4,078,085
1965	130,037	[1]13,653,885	[1]4,096,166
1966	129,566	13,604,430	4,081,329
1967	128,133	13,453,965	4,036,190
1968	125,755	13,204,275	3,961,283
1969	122,534	12,866,070	3,859,821
1970	118,508	12,443,340	3,733,002
1971	113,587	11,926,635	3,577,991
1972	108,163	11,357,115	3,407,135
1973	101,587	10,666,635	3,199,991
1974	93,937	9,863,385	2,959,016
1975	85,244	8,950,620	2,685,186
1976	76,038	7,983,990	2,395,197
1977	66,830	7,017,150	2,105,145
1978	57,623	6,050,415	1,815,125
1979	48,261	5,067,405	1,520,222
1980	38,484	4,040,820	1,212,246
1981	28,708	3,014,340	904,302
1982	19,915	2,091,075	627,323
1983	12,725	1,336,125	400,838
1984	7,087	744,135	223,241
1985	3,000	315,000	94,500
1986	931	97,755	29,327
1987	155	16,275	4,883
Total	4,796,856	503,669,880	151,100,983

[1] Maximum annual cost

Section 4 provides that transportation be furnished to veterans of the Spanish-American War, the Philippine insurrection, and the Boxer rebellion, who are receiving hospitalization facilities at the present time through the United States Veterans' Bureau. At the present time under a ruling of the Comptroller General these veterans, although entitled to hospitalization, are not entitled to transportation to and from the hospitals.

The expense of this section can not amount to a very substantial sum, for the number of Spanish-American War veterans who are receiving hospitalization under the provisions of the amendment to the second Langley bill are at the present time less than 100. The exact figures given at the hearing were

37. Mr. Robinson, who represented the Spanish-American War veterans, stated before the committee as follows:

We only have right now 87 Spanish War veterans with T. B. or N. P. in hospitals, but we would have a lot more if they had the transportation to get there.

Section 5 extends the time for obtaining a certificate of disability from the Director of the Veterans' Bureau to March 1, 1924, in compensation cases, and provides that such certificate shall issue where there is an official record of injury during service or at the time of separation from the service, or where satisfactory evidence is furnished the bureau to establish the injury. This section allows the limitation to remain the same; that is, that compensation will not be payable for death or disability that does not occur within one year from the date of separation from the service, unless a certificate was obtained. This section as amended does, however, extend the time for obtaining a certificate to March 1, 1924.

The immediate cost to the Government of the changes made in the present law in this respect would not amount to any substantial sum. This section does not propose the incorporation of any limitations upon compensation that does not already exist. The bureau has had occasion to deny a few applications for certificates of injury but the number is not great, probably not 200. This can not be accepted as having any great significance, however, because it has been advertised as widely as possible that certificates must have been requested before August 9, 1922. Therefore it is believed that persons who might originally have been entitled to a certificate are not now making applications, as they are fully aware that it will be denied. The proposed amendment allowing the limitations to remain the same—that is, that compensation will not be payable for death or disability that does not occur within one year from the date of separation from the service, unless a certificate was obtained—does, however, extend the time for obtaining a certificate to March 1, 1924. A certificate issued except for fraud is to be considered as incontestable evidence that the injury covered by the certificate was incurred in or aggravated by service. It is believed that a certificate should be incontestable except for fraud and definitely protect the claimant in the future.

The amendment is designed to take care of veterans who have a definite service record that the injury was suffered or sustained while in the service. Such veteran should be entitled to the right of obtaining a certificate of injury if he so desires. An example would probably make this more clear: A soldier received a gunshot wound of the leg, resulting in osteomyelitis, which completely recovered to all appearances before discharge from the service. At the time of discharge the physical condition is good and there is no evidence of disability except a scar at the site of the injury. It is a well-known fact, however, that in many instances of this kind the osteomyelitis will again become active through no discoverable cause, sometimes several years subsequent to the time when an apparent cure had been accomplished. Such claimant would be entitled to a certificate of injury, but through motives of one sort or another, either his desire to not claim any benefits from the Government, or he feels that he is entirely well, or does not know of his rights to a certificate, he fails to obtain such certificate within the limitation of time. He has no disability within a year from the date of discharge, yet six or eight years later the osteomyelitis again become disabling and he passes through a long period of invalidism that possibly terminates fatally, as conditions of this sort are of doubtful prognosis, some resulting in cure, some in incomplete recovery, with complications, or possibly death. The amendment would protect these cases and would not cover any cases where there was no official record of service injury.

Section 6 provides that no compensation shall be payable for death inflicted as a lawful punishment for crime or a military offense, except one inflicted by the enemy. A dismissal or discharge by sentence of court-martial from the service shall bar and terminate all right to any compensation under the provisions of this article for the period of service from which discharge is given. This section of the war risk insurance act is amended to conform with the changes made in section 29 of the war risk insurance act, as set forth in section 1 of this bill. It will be remembered that section 1 of the bill changes the law so that persons guilty of treason, mutiny, spying, or any offense involving moral turpitude or willful and persistent misconduct will not be deprived of insurance and compensation benefits unless they have been found guilty by a court-martial.

Section 7 of the bill amends section 408 of the war risk insurance act. The bureau has had much difficulty in arriving at a proper construction of the third proviso of section 408 of the act approved August 9, 1921. It would seem that that proviso was intended to be double-barreled and to apply both to the case where the insured died leaving uncollected compensation sufficient to pay his premiums and the case of where a man attempted to reinstate his insurance and was denied reinstatement by reason of physical condition. The trouble the bureau has had with this proviso is that the concluding words are to the effect that "said policy shall not be considered as lapsed." An extreme construction of this proviso in so far as it relates to reinstatement would be that where the insured having a policy for $10,000 applied for reinstatement of $1,000 and was denied reinstatement the result of this denial would be that his whole policy of $10,000 would not lapse; and, further, that this would be the case even though at the time the soldier applied for insurance he was then totally and permanently disabled. In fact, the confusion arising from the peculiar wording of this proviso has resulted in the legal division of the Veterans' Bureau looking to the comptroller's opinions where reinstatements were involved rather than to the proviso.

In order to clear up all doubt we have separated this proviso into two parts, the first part of which in effect provides that insurance shall not lapse where the bureau has sufficient uncollected compensation to pay the premiums, this irrespective of whether application for reinstatement was made or not. The second portion of the proviso submitted covers the question of reinstatements and in effect provides that where the soldier has applied for reinstatement and such reinstatement has been denied because of health conditions, and where at the time of such application the soldier was suffering from a disease of service origin but was not permanently and totally disabled, then the bureau is authorized to pay the soldier or his beneficiaries the amount of insurance attempted to be reinstated less the premiums, and so forth. This proviso applied only in cases where the soldier had died and has no application where the soldier has become totally and permanently disabled. The result of this has been that the bureau has found many cases where a soldier prior to August 9, 1921, had applied for reinstatement and at the time of such application was not permanently and totally disabled and had his application denied because of health conditions and subsequently became permanently and totally disabled. The result in such a case was that the man could not get the benefits of the third proviso of section 408, nor could he reinstate under the first portion of section 408, because he was permanently and totally disabled. Since Government insurance matures both upon permanent and total disability and death, the committee believes that the third proviso should be so worded as to give the soldier the benefit of the insurance under either state of the case. This inconsistency crept into the law through an amendment adopted on the floor of the House when the act of August 9, 1921, was being considered.

Section 8 amends section 409 of the present law, whereby the payment of premiums on yearly renewable term insurance and United States Government life insurance (converted insurance) on the due date thereof may be waived and the insurance may be deemed not to lapse in the cases of those who while mentally incompetent and for whom no legal guardian had been or has been appointed allowed or may allow their insurance to lapse while such rating is effective during the period for which they have been or hereafter may be so rated, the waiver in such case to be made without application and retroactive where necessary. The law now provides that the payment of premiums may be waived and the insurance may be deemed not to lapse in the cases of those who are confined in a hospital under said bureau for a compensable disability during the period while they are so confined. Also those who are rated as temporarily totally disabled by reason of an injury or disease entitling them to compensation during the period of such total disability and while they are so rated. The amendment to this section relates solely to those who are mentally incompetent and for whom no legal guardian has been appointed. If this section becomes a law, their insurance will not lapse during the period of such incompetency. The last proviso has been added to this section to take care of reimbursement of the United States Government life-insurance fund from the military and naval insurance appropriation in cases where premiums on converted insurance are waived and the insurance is never thereafter continued to maturity.

Section 9 of the bill amends section 411 of the present law so that a policy of insurance shall be incontestable after it has been in force six months, instead of providing that the policy shall be incontestable six months after date of issuance or reinstatement. Section 411 now provides that, subject to section 29, a policy of insurance heretofore or hereafter issued in accordance with article 4 of the war risk insurance act shall be incontestable after six months from date of issuance or date of

reinstatement, except for fraud or nonpayment of premiums. The bureau has found upon investigation that a large number of cases construing a similar proviso in insurance policies have held that the maturity of the policy did not stop the running of the statute, and that the statute could be stopped from running only by action brought in court to cancel the policy. In other words, if an insured paid one month's premium and no more and died or became permanently disabled within that month the Government would be bound to pay the policy (if the bureau followed these opinions) unless the Government, within six months from the date of issuance of the policy or reinstatement had begun a suit to cancel the policy. The amendment, instead of providing that the policy shall be incontestable six months after date, provides that it shall be incontestable after the policy "has been in force six months." All the cases hold that where the provision in the policy is that it must be in force six months that the maturity of the policy stops the running of the statute and the insurer can contest. Recognizing the fact that where the only method of contest is by suit in court the statute would become absolutely useless to the bureau. The amendment provides that a letter mailed to the insured at his last known place of residence informing him of the invalidity of his policy shall be deemed a contest within the meaning of the section.

Section 10 provides that the Secretary of the Treasury is authorized to invest and reinvest the United States Government life-insurance fund or any part thereof in interest-bearing obligations of the United States or bonds of the Federal farm-loan banks, and to sell said obligations of the United States or the bonds of the Federal farm-loan banks for the purposes of such fund. This section of the bill simply amends section 412 of the war risk insurance act by adding the words "or bonds of the Federal farm-loan banks."

I yield three minutes to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON of Minnesota. The bill now before us makes certain changes in the war risk insurance act, the general effect of which is to clarify and also to liberalize certain terms and provisions in the existing laws.

The original law provided compensation to the disabled soldier, providing the disability was of service origin. This feature has been retained, with two exceptions. In the second Sweet bill any soldier or ex-soldier of the late war developing active pulmonary tuberculosis or a neuropsychiatric disease within two years following his discharge was conclusively presumed to have contracted the disease by reason of his service. Development of either of these diseases within the two-year period obviated the necessity of proof, providing that the disability was at least 10 per cent. If either of the diseases developed at any time thereafter, compensation is allowable whenever the proof shows service origin.

In the present bill the presumption is enlarged so as to include not only pulmonary tuberculosis but all tuberculosis that is active in character. The presumption is changed from two to three years, providing that within a period of three years the service man is found by either a physician of the bureau or a competent physician outside of the bureau to have either active tuberculosis or neuropsychiatric trouble constituting at least a 10 per cent disability. The point is that in order to obtain the benefit of this three-year presumption a physician, either within or without the bureau, must within the three-year period find this 10 per cent disability to exist. If the service man does not consult a physician until after three years, no matter what his condition then may be, he can not have the benefit of this presumption. He must then rely upon the proof which traces his disability to service origin.

There are a number of other changes both as to compensation and insurance which the Committee on Interstate and Foreign Commerce feel should be made in order to better carry out the purposes of the act, but I think it can be said that this change striking out the word "pulmonary" and extending the period from two to three years are the principal changes.

Mr. MADDEN. Will the gentleman yield for a minute for me to present a conference report?

Mr. NEWTON of Minnesota. I yield to the gentleman.

Mr. MADDEN. Mr. Speaker, I present a conference report on the bill H. R. 14408, for printing under the rule.

The SPEAKER pro tempore. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 14408) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes.

Mr. BLANTON. Mr. Chairman, I make a point of order against the report, but I will reserve it until I can ask a question. Will the gentleman state to the House what has been done about the $400,000?

Mr. DOWELL. Mr. Speaker, I make the point of order——

Mr. MADDEN. The report speaks for itself.

Mr. BLANTON. I make the point of order that the conferees have exceeded their authority in bringing back before the House a report that embraces an item of legislation involving $400,000.

Mr. DOWELL. I make the point of order that the gentleman can not——

Mr. BLANTON. I want to state my point of order first, to wit, what is known as the fact finding coal commission legislation, and that is a matter——

The SPEAKER pro tempore. The Chair is ready to rule. If there is a point of order this is no time to make it. The Chair directs the report to be printed under the rule.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14408) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13, 23, 27, 29, 34, 35, 39, 42, 44, 46, 47, 48, 50, 52, 53, 55, 59, 60, 61, 68, and 73.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 25, 26, 28, 30, 31, 33, 37, 41, 43, 49, 56, 57, 58, 62, 63, 65, 67, 69, 70, 71, 74, 75, 77, 78, 79, 80, 81, 82, 83, and 84; and agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: Omit the matter stricken out and inserted by said amendment, and on page 5 of the bill, in line 4, strike out the title "Botanic Garden"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$7,500"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment, strike out the word "rebuilding" and insert in lieu thereof the words "repairing, reconstructing"; and the Senate agreed to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In line 5 of the matter inserted by said amendment, after the word "River," insert the words "on public lands"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In line 5 of the matter inserted by said amendment, before the sum "$4,380.67," insert "fiscal year 1918"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: Strike out the last five lines of the matter inserted by said amendment; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the number proposed insert "4"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 22, 24, 36, 40, 54, 66, 72, and 76.

F. E. WARREN,
CHARLES CURTIS,
LEE S. OVERMAN,
Managers on the part of the Senate.

MARTIN B. MADDEN,
D. R. ANTHONY, Jr.,
JOSEPH W. BYRNS,
Managers on the part of the House.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14408) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On Nos. 1 to 15, inclusive, relating to the Senate: Appropriates $500 for additional compensation to the reading clerk, fiscal year 1924; increases the compensation of the Assistant Doorkeeper and Acting Assistant Doorkeeper to $4,200 per annum each and appropriates $1,600 in consequence thereof; increases the compensation of the two floor assistants to $3,600 per annum each and appropriates $2,933.34 in consequence thereof; appropriates $2,500 for services performed pursuant to Senate Resolution 130, Sixty-seventh Congress, first session; appropriates to pay to two persons $1,000 each for expert personal services in connection with the investigation of the fiscal relations of the District of Columbia and the United States; appropriates $1,200 to pay for extra and expert services rendered the Committee on Pensions during the third and fourth sessions of the Sixty-seventh Congress; appropriates $900 to pay for services rendered various committees of the Senate; appropriates $50,000 for miscellaneous items; appropriates $5,000 for stationery; appropriates $7,000 on account of Senate kitchens and restaurants, all the foregoing as proposed by the Senate; strikes out the authorization proposed by the Senate to pay additional compensation at the rate of $240 per annum to all employees of the Senate kitchens and restaurants; appropriates $200, as proposed by the Senate, for additional compensation to messenger at card door; increases the pay of a laborer to $1,100 per annum, effective July 1, 1923, and appropriates $200 in consequence of such increase, as proposed by the Senate.

On Nos. 16 to 19, inclusive, relative to the House of Representatives: Appropriates $7,500 to pay the widow of the late W. Bourke Cockran, as proposed by the Senate; appropriates $3,312.51, as proposed by the Senate, instead of $3,305.56, as proposed by the House, on account of the employment of the person named in the resolution approved February 13, 1923; and appropriates $397.50, as proposed by the Senate, instead of $396.67, as proposed by the House, on account of the compensation of the chief janitor.

On No. 20: Appropriates $20,000, as proposed by the Senate, on account of the Senate Office Building.

On No. 21: Strikes out the appropriations proposed by both the House and Senate on account of the main conservatory of the Botanic Garden.

On No. 23: Strikes out the authorization proposed by the Senate with respect to taxes on the estate of Charles L. Freer, deceased.

On Nos. 25 and 26, relating to the recorder of deeds, District of Columbia: Authorizes the lease of additional space and the purchase of additional book typewriters, as proposed by the Senate.

On Nos. 27 to 35, inclusive, relating to the District of Columbia: Appropriates $25,000, as proposed by the House, instead of $50,000, as proposed by the Senate, on account of repairs to suburban roads; repeals the appropriation of $16,800 for repaving Fifteenth Street NW., H to I Streets, as proposed by the Senate; strikes out the appropriation of $2,730, proposed by the Senate, for Americanization work; appropriates $15,000, as proposed by the Senate, for replacing textbooks and school supplies destroyed or damaged by fire; authorizes the use of $90,000 of the policemen and firemen's relief fund, as proposed by the Senate, instead of $50,000, as proposed by the House; appropriates $7,500 for repairs and improvements to the Courthouse and Court of Appeals Building, instead of $15,300, as proposed by the Senate; appropriates $1,000 for contingent expenses of the municipal court, as proposed by the Senate; strikes out the appropriation of $9,000, proposed by the Senate, for board and care of children under the Board of Children's Guardians; and strikes out the appropriations proposed by the Senate aggregating $25,869.50 on account of medical charities.

On Nos. 37 to 39, inclusive, relating to the Department of Agriculture: Appropriates $375,000 for fighting and preventing forest fires, as proposed by the Senate, instead of $340,000, as proposed by the House; appropriates $25,000 for controlling and preventing the spread of the Japanese beetle, instead of $15,000, as proposed by the House, and $40,000, as proposed by the Senate; and makes the appropriation available for the fiscal year 1923 only, as proposed by the House, instead of for 1923 and 1924, as proposed by the Senate.

On No. 41: Makes the appropriation of $40,000 for the fiscal year 1923 on account of a fish-rescue station on the Mississippi River available during the fiscal year 1924, as proposed by the Senate.

On No. 42: Strikes out the authorization proposed by the Senate with respect to allowing credits for payments of loss by exchange on salary and per diem checks issued to employees of the Department of Commerce.

On Nos. 43 to 48, inclusive, relating to the Bureau of Indian Affairs: Appropriates $17,471.25, as proposed by the Senate, for payment to the Allied Contractors (Inc.), of Omaha, Nebr.; strikes out the authorization proposed by the Senate for payment of $350 to R. P. Rueth, of Chamita, N. Mex.; appropriates $10,000, as proposed by the Senate, on account of the shop building at Fort Totten (N. Dak.) Indian School; and strikes out the authorizations proposed by the Senate allowing credits for payments made to Frank L. Van Tassel, of Yankton, S. Dak.

On Nos. 49 to 51, inclusive, relating to the National Park Service: Strikes out the appropriation of $50,000 proposed by the Senate on account of the Rocky Mountain National Park, and appropriates $133,000, as proposed by the Senate, on account of the Zion National Park.

On No. 52: Strikes out the appropriation of $1,000 proposed by the Senate for books for the law library of the Department of Justice.

On No. 53: Appropriates $4,500, as proposed by the House, instead of $6,000, as proposed by the Senate, on account of a marble bust and oil portrait of the late Chief Justice Edward Douglass White.

On No. 55: Strikes out the appropriation of $495.69 proposed by the Senate on account of damage claims under the Bureau of Immigration.

On Nos. 56 to 60, inclusive, relating to the Navy Department: Appropriates $52,531.45 in the aggregate for the settlement of claims, as proposed by the Senate, instead of $21,341.13, as proposed by the House; and strikes out the prohibitions proposed by the Senate against acquiring articles which can be made, manufactured, or produced in navy yards.

On No. 61: Strikes out the appropriation of $1,000 proposed by the Senate for reimbursing postal employees for fines levied for carrying arms while in the performance of duty.

On Nos. 62 to 64, inclusive, relating to the Postal Service: Appropriates $1,500,000, as proposed by the Senate, instead of $1,250,000, as proposed by the House, for temporary and auxiliary clerk hire; appropriates $300,000, as proposed by the Senate, for pay of letter carriers; and appropriates $4,380.67, as proposed by the Senate, for the settlement of an audited claim.

On No. 65: Reappropriates and makes the appropriation of $20,000, fiscal year 1914, on account of the adornment of the Peace Palace at The Hague, available during the fiscal years 1923 and 1924.

On No. 67: Fixes the amount which may be used of the appropriation on account of the International Exposition at Rio de Janeiro, Brazil, for the purchase of additional land at $35,000, as proposed by the Senate, instead of $30,000, as proposed by the House.

On No. 68: Strikes out the appropriation of $13,511.13, proposed by the Senate, to satisfy a claim on account of losses sustained by a French citizen in connection with the search for the body of John Paul Jones.

On Nos. 69 to 71, inclusive, relating to the Treasury Department: Appropriates $15,000, as proposed by the Senate, for contingent expenses, public moneys; appropriates $50,000, as proposed by the Senate, for additional vault facilities in the Denver (Colo.)) mint building; and makes the appropriation for the fiscal year 1923 on account of the West Roxbury (Mass.) Public Health Service Hospital No. 44, available for mechanical equipment, as proposed by the Senate.

On No. 73: Strikes out the appropriation of $4,803, proposed by the Senate, for payment of claims growing out of river and harbor activities under the War Department.

On No. 74: Makes the appropriations in the War Department appropriation acts for the fiscal years 1923 and 1924 for the rental of buildings and parts of buildings for military purposes in the District of Columbia available for the rental of the Lemon Building, as proposed by the Senate.

On No. 75: Appropriates $30,000, as proposed by the Senate, to pay awards for land condemned for use by the War Department at nitrate plant No. 2, Muscle Shoals, Ala.

On No. 77: Strikes out, as proposed by the Senate, the limitation proposed by the House in connection with the appropriation for the construction or improvement of roadways on the Fort Riley (Kans.) Military Reservation.

On Nos. 78 to 80, inclusive, relating to judgments, United States courts: Appropriates $402,274.12, as proposed by the Senate, instead of $401,836.62, as proposed by the House.

On Nos. 81 to 84, inclusive, relating to judgments, Court of Claims: Appropriates $259,748.59, as proposed by the Senate, instead of $72,811.41, as proposed by the House.

On No. 85: Appropriates $104,178.75 on account of audited claims, as proposed by the Senate, and strikes out the authorization proposed by the Senate that employees of the Government who were excused from work on November 11, 1921, shall be allowed pay for that day.

On No. 86: Makes section 3 of the bill section 4 thereof, instead of section 5 thereof, as proposed by the Senate.

The committee of conference have not agreed upon the following amendments of the Senate:

On No. 22: Relating to the appropriation for traveling and other expenses of the President.

On No. 24: Appropriating $400,000 on account of the United States Coal Commission.

On No. 36: Clothing the superintendent of the Washington Asylum and Jail with authority to execute the judgments of the law pronounced in capital cases, etc.

On No. 40: Appropriating $40,000 for the control of the boll weevil.

On No. 54: Appropriating $300,000 on account of expenses of additional district courts.

On No. 66: Appropriating $7,500 on account of the Seventeenth International Congress Against Alcoholism.

On No. 72: Relating to the relief of John R. Kissinger, late of Company D, One hundred and fifty-seventh Indiana Volunteer Infantry, and also late of the Hospital Corps, United States Army.

On No. 76: Appropriating $25,000 on account of expenses incident to holding an international shooting competition in the United States.

MARTIN B. MADDEN,
D. R. ANTHONY, Jr.,
JOSEPH W. BYRNS,
Managers on the part of the House.

Mr. NEWTON of Minnesota. Now then, Mr. Speaker, I want to take this occasion to call to the attention of the membership of this House about a recent development in the Veterans' Bureau which I think will be of particular interest to Members of the House.

Every Member of this House necessarily has a great deal to do with the Veterans' Bureau, both in the districts and especially with the Washington office. The correspondence pertaining to claims for compensation, hospitalization, and training takes up a great deal of our own time and the time of our secretaries. Two or three years ago the Veterans' Bureau, then called the War Risk Insurance Bureau, organized a section for the purpose of handling congressional mail and claims presented through the various Members of Congress, including both House and Senate. The organizing of this congressional section proved to be very helpful and some very excellent hard-working young men have from time to time been in that section and have done very good work.

This congressional section has been located in the Veterans' Bureau building, a mile and a half from the Capitol. Many of us have had to take up the most difficult of our claims in person with the staff in charge of that congressional section. A trip down there necessarily consumes considerable time.

The other day I was informed that we were not getting as good service from the Veterans' Bureau as we had been getting, and I made inquiry as to just what had become of one of the men who had been doing such good work here in the congressional section. Much to my surprise, I was advised that about two and a half months ago this man had been placed in charge of an office of the Veterans' Bureau which was located in the Senate Office Building. I expressed surprise at this, and especially at not having heard of it before. I could not understand why special service of this kind should be provided for the Members of one branch of Congress. I could not understand why one branch should be favored over and above that of the other, and so expressed myself. I was then informed that this was placed there for the purpose of serving not only Members of the Senate but Members of the House as well. I questioned this, because up to that time I had never heard of any such special service located in either the Senate Office, the House Office, or the Capitol Building. I was assured that Members of both House and Senate had been notified and that I must in some way or other have been unintentionally overlooked.

With the idea that possibly I had been overlooked, I then presented the matter to the Committee on Interstate and Foreign Commerce at our next meeting. I found, as I expected to find, that not one member of that committee which has jurisdiction over all the legislation affecting the Veterans' Bureau had ever been advised by anyone of the existence of this special service which had been located some time before in the Senate Office Building.

Thereupon I advised the office of the acting director of the bureau just exactly what I, as one Member of this House, thought of the action of the Veterans' Bureau in discriminating and showing partiality in service between the Members of the House and the Members of the Senate. [Applause.]

Mr. Speaker, the Members of this House handle many, many more claims than do the Members of the Senate. We are equally Members of Congress and as such are entitled to the same consideration as the Members of the Senate. If the Veterans' Bureau deemed it to be advantageous either to themselves or to Members of Congress to provide a special office for special service, that service should be available to each and every Member of Congress regardless of whether he is at this or the other end of the Capitol.

Before acting upon any suggestion of this kind from one branch of this Congress they should have consulted the other branch. If such a service is maintained, it should be located not in the Senate Office Building or in the House Office Building but in this Capitol Building itself, so as to be equally available to the Members and their secretaries of both branches of Congress.

The locating of this office and this service as it has been shows an utter lack of regard or of respect for the House of Representatives and its membership. As one Member of this House, I want to voice my protest upon this action of the Veterans' Bureau and to express the hope that the new director will take immediate steps to see that this action is rescinded and that the discrimination and partiality cease. If it is not done this House should, and I am sure will, find a way to end it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NEWTON of Minnesota. Can I have another minute?

Mr. BARKLEY. I will yield the gentleman another minute, and ask him a question. [Laughter.]

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. RANKIN. I wanted to ask the gentleman who was responsible for establishing that branch office over there?

Mr. NEWTON of Minnesota. I am unable to answer, because when I made the inquiry the director was on the high seas. I do not know who was responsible other than that we hold the director responsible for the affairs of the bureau.

Mr. RANKIN. Is that the time he went abroad to resign? [Laughter.]

Mr. NEWTON of Minnesota. Yes.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. BARKLEY. I yield to the gentleman another minute. It strikes me that that action on the part of the bureau is a compliment to the House in that it seems to presume that we understand the law, and they did not put a commission in our office to look into it.

Mr. NEWTON of Minnesota. The gentleman, of course, is stating the facts. But it is only another instance of the ignoring of the right of this great body here and of its Members by certain bureaus of the executive branch of our Government.

Mr. SANDERS of Indiana. Mr. Speaker, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. SANDERS of Indiana. Perhaps the reason for that grows out of the fact that every particle of legislation that has

been passed with reference to the Veterans' Bureau originated in the House of Representatives and was framed by our committee and was passed and sent over there. Not a single one of them was initiated by the Senate.

Mr. NEWTON of Minnesota. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD on this bill.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. CARTER. Mr. Speaker, I make the same request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. CARTER. Under leave given me to print, I submit the following data, which have been prepared and checked up by a careful statistician:

THE WHEAT FARMER AND THE TARIFF.

Estimates of the United States Department of Agriculture:

June 1, 1920. Average price received by producer on every type and grade, per bushel, $2.583.

June 1, 1920. Good milling wheat was worth near $3 on farm.

June 1, 1920. Good milling wheat was worth near $3.30 at mill.

Apr. 1, 1921. While emergency tariff bill was under discussion, average farm price	$1.335
May 1, 1921. While emergency tariff bill was under discussion, average farm price	1.107
June 1, 1921. (After President Harding had signed the bill which was effective until the Fordney-McCumber bill was approved in 1922)	1.274
July 1, 1921. (After President Harding had signed the bill which was effective until the Fordney-McCumber bill was approved in 1922)	1.122
Aug. 1, 1921. (After President Harding had signed the bill which was effective until the Fordney-McCumber bill was approved in 1922)	1.048
Sept. 1, 1921. (After President Harding had signed the bill which was effective until the Fordney-McCumber bill was approved in 1922)	1.012
Nov. 1, 1921. (After President Harding had signed the bill which was effective until the Fordney-McCumber bill was approved in 1922)	.942
Dec. 1, 1921. (After President Harding had signed the bill which was effective until the Fordney-McCumber bill was approved in 1922)	.927

Throughout the year of 1922, during all of which time either the emergency tariff law or the new permanent tariff law was in effect, which was approved on September 21, 1922, and on December 17, 1922, Congress appropriated $20,000,000 to buy wheat for Russian relief, the farm price ranged between 88.7 cents per bushel and $1.21, closing at the end of the year at about 96 cents.

Under the Underwood law wheat was imported free. Under the emergency tariff (Republican) the duty was 35 cents per bushel, and under the Fordney-McCumber permanent tariff law (Republican) a duty of 30 cents per bushel was provided.

The average yield of wheat for the last five years in the United States has been about 880,000,000 bushels per annum.

The amount used for domestic consumption has been rather less than 575,000,000 bushels and about 75,000,000 bushels more are annually used for seed. This leaves a surplus of something like 230,000,000 bushels which can not possibly be consumed within the United States and must be sold abroad.

In 1910 the Republicans, through a special Senate committee, were forced to admit the fraud and deception they had practiced on the farmers by a tariff on agricultural products in their report and through their campaign textbook, as follows: "The tariff on the farmers' products, such as wheat, corn, rye, barley, cattle, and other live stock, did not and could not in any way affect the prices of these products." On this committee was Chairman Gallinger; Senator Lodge, of Massachusetts; Crawford, of South Dakota; Smoot, of Utah; and McCumber, of North Dakota. Their report on the effect of the tariff on agricultural products was unanimous.

On the 22d of June, 1909, in answer to the question whether he believed that the duty on wheat affected the price of wheat, Mr. CUMMINS, Republican, of Iowa, said, "I do not; and it is idle for even an enthusiast to assert that the price of these products is directly affected by the protective tariff."

On the 2d of August, 1909, Mr. Bristow, Republican, of Kansas, said: "We raise far more wheat, corn, cattle, and hogs than we consume, and the result is that the farmer can not be protected by a tariff, because the price of his produce is fixed by the world market."

Senator MCCUMBER, whose name the Fordney-McCumber tariff bill of 1922 bears, and which carries a tariff on wheat of 30 cents per bushel, said, on June 22, 1909: "The wheat acreage to-day is producing a surplus of wheat, which must be thrown into the world's market, thereby keeping down the price of the home product, tariff or no tariff."

Now comes Senator GOODING (Republican), of Idaho, in the CONGRESSIONAL RECORD, page 4220, February 22, 1923, trying to fool the farmer again in the face of the figures given out by the Department of Agriculture under Secretary Wallace, as shown in the above table. He says: "Some branches of agriculture have been materially benefited through a protective tariff. The emergency tariff bill was a godsend to them; it was a life-saver. The permanent tariff bill has also been a mighty factor in helping some branches of agriculture. Even the wheat grower has been materially benefited, for he has received anywhere from 20 to 30 cents a bushel more for his wheat since the emergency tariff bill was passed than the Canadian farmer has received."

THE FARMER AND FREIGHT RATES.

To-day the farmer is paying vastly more than his share on the upkeep and operation of our railroads. Under the horizontal increases of 65 per cent the farmer is paying 1,500 per cent higher freight rates on the market value of his products than is paid on manufactured articles. There is very little difference in the freight rates in all the Western States or the country generally on farm products:

Eighty thousand pound carload of wheat from Idaho to Chicago, the freight rate in 1914, $400, in 1921, $596; 24,000 pound carload of hay from Idaho to Chicago, the freight rate in 1914, $132.50, in 1921, $240; 24,000 pound carload of fruit from Idaho to New York, the freight rate in 1914, $300, in 1921, $500; 26,000 pound carload of cattle from Idaho to Chicago, the freight rate in 1914, $203.80, in 1921, $295.10; 24,000 pound carload of sacked wool from Idaho to Boston, the freight rate in 1914, $475.20, in 1921, $831.60; 32,000 pound carload of baled wool from Idaho to Boston, the freight rate in 1914, $547.20, in 1921, $960.

For instance, the farmers of the West and the country in general pay a freight rate to Chicago of 97 per cent of the market price on potatoes; 52 per cent of the market price on onions; 36 per cent of the market price on wheat; 15 per cent of the market price on hogs; 13.2 per cent of the market price on beans. They pay 53 per cent of the market price on hay to Kansas City and a freight rate of 9.3 per cent of the market price on wool to Boston.

For comparison it is found on manufactured goods that men's shoes pay a freight rate of 2½ per cent of the wholesale price from Chicago to the West; and on women's shoes 2 per cent. Men's suitings pay 1¼ per cent, and on cotton goods pay a freight rate of 4 per cent of the wholesale price from New York to the West; ginghams pay a freight rate of 2½ per cent. On some of the higher class articles the freight rate is so small that it can only be measured in decimals and has no influence on the selling price.

THE FARMER AND WHAT HE PAYS UNDER THE FORDNEY-M'CUMBER TARIFF LAW.

"To lay with one hand the power of the Government on the property of the citizen and with the other to bestow it upon favored individuals to aid private enterprise and build up private fortunes is none the less robbery because it is done under the forms of law and is called taxation."—Supreme Court of the United States, Marshall Case.

The following articles are a few of which there are no importations and upon which the farmers are forced to pay tribute to special interests:

Articles.	Production.	Imports.	Duty.	Revenue.	Cost of protection.
			Per ct.		
Cement	$208,422,920	None.	30	None.	$40,445,748
Doors and shutters	10,877,001	None.	20	None.	1,812,833
Wooden goods	21,793,261	None.	25	None.	4,358,652
Belting and hose	19,176,277	None.	33⅓	None.	4,794,069
Knit goods (wool)	285,255,689	None.	90	None.	135,121,116
Knit goods (silk)	142,627,844	None.	60	None.	53,485,441
Blacking	25,284,072	None.	25	None.	4,512,348
Engines—steam, gas, and water	464,774,735	None.	20	None.	70,917,689
Hardware	154,524,888	None.	50	None.	47,614,668
Pumps	85,401,940	None.	25	None.	16,304,980
Stoves	211,509,992	None.	50	None.	66,300,002
Tinware	233,964,000	None.	20	None.	38,242,714
Shirts	205,327,133	None.	45	None.	63,253,905
Files	17,616,563	None.	50	None.	4,144,924

A representative of the Tile Trust taking an order for Spain, August 1, 1922, was asked: "How can you sell abroad?" "We can undersell the world." "Then why do you want protection?" "To maintain domestic prices." Here is the milk in the coconut in this Fordney-McCumber (robber) tariff law, in which the consumer, labor cost, or revenue was considered in hundreds of these items in this nefarious law. A case in point. A Chicago merchant imported 200 screws, pins, and other fittings for automatic revolvers. When landed in New York the invoice price was $3.79. Under a clause in the Fordney-McCumber (Republican) profiteers' tariff law he received from the revenue department a bill for $241.99 tax, which was several hundred per cent above the invoice price, making a total of $245.78 he had to pay for $3.79 worth of goods.

Bradstreet's price index of January 1, 1923, on commodities, including nearly everything the farmer has to buy, shows an increase of 20.4 per cent over January 1, 1922, and 29 per cent over January 1, 1921.

"The Payne-Aldrich bill was crooked, yet if it had not hurt the American people there would have been no such political revolution as followed. There is very little difference between the Payne-Aldrich bill and the duties as reported in this (Fordney) bill." Senator LENROOT (Republican), in Senate, July 26, 1922.

"Upon an article like this (cotton gloves) used in every house in the land, we ought not to tax the American people more than 75 per cent." Senator LENROOT, June 30, 1922. On July 13, 1922, Senator LENROOT said, "Instead of such rates as this being something to the credit of the Republican Party they will tend to damn the Republican Party if they are put into the bill."

"So far as a high or low schedule may be concerned, the farmer probably has much more to lose by high tariffs on the things which he buys than he could ever hope to gain by any tariff on his own commodities. Our economists have all reported convincingly on that point. There may possibly be some exceptions to it." President J. R. Howard, American Farm Bureau Federation, 1922.

"This bill in its entirety is a more radical and more extreme measure so far as protection is concerned, than even the Payne-Aldrich law. I had hoped Mr. President that protection would not run mad as it has done. I never in all my life saw such a swarm of men as were around the Finance Committee while they had this bill before them, and most of them got their work in well." Senator KNUTE NELSON (Republican), CONGRESSIONAL RECORD, August 11, 1922.

"No one single interest should be protected at the expense or to the detriment of other and greater interests. Protection ceases to be protection when it is carried to the extent of pampering an industry into slothfulness and beyond the whip and spur of competition." Col. Geo. Tichenor, at one time president Board of General Appraisers. (Mr. Tichenor framed the McKinley and Dingley bills.)

It was up to the Sixty-seventh Congress to improve upon the Underwood-Simmons law, to better its provisions while maintaining its character for impartiality and political cleanliness. An improvement of this sort would have advanced our Nation in self-respect, in international regard, and financial well-being. The later Underwood-Simmons law was the only tariff in this generation to which no taint of corruption or undue political influence was ever attached.

The Fordney-McCumber law compels every foreign nation to trade the least that it can with us and the most that it can with our competitors.

WAGES AND THE TARIFF.

The Republican Party has been committed since 1908 to the principle of the "difference in the cost of production here and abroad," with a fair addition for contingencies as the measure of a protective duty. The Republican Congress pledges itself to this, and then utterly defaults under pressure of the overprotected interests.

It enslaves the country to the moneyed interests and weakens the foundations of the Government.

What labor gets from each dollar of protection and the corresponding tariff rates.

Product.	Wage per dollar of product	Underwood tariff on each dollar imported.	Fordney tariff on each dollar imported.
	Cents.	*Cents.*	*Cents.*
Cotton goods	16⅔	34	51
Silk goods	1.8⅜	42½	57
Woolens	15½	32	68
Hosiery	17⅞	37	67
Glassware	30½	35	38½
Glucose	6	15	50
Aluminum	17⅞	20½	45
Cutlery	39	39½	1.82
Stamped ware	23½	20	40
Gloves, leather	17½	13¾	50
Buttons	33	36	99
Chinaware	41	55	69
Paints and varnishes	7	11½	28
Cast-iron pipe	14.8	10	20
Wire	18½	15	28
Glass bottles	30	39	60
Oilcloth and linoleum	11½	32½	35

The Fordney duties are more than three times the total wage cost, and wages constitute the only considerable difference between foreign and domestic cost of production.

DEATHS AND FAILURES.

The hearings before the Agricultural Committee of the Senate disclose the sad fact that in 1922 there were 80 suicides on the farms in Minnesota, 87 in North Dakota, 32 in South Dakota, and 15 in Montana, making 168 suicides that have taken place on the farms in those four States in the last 12 months.

The increase in business failures last year were surprising and the worst in the history of the country as recorded by Dun & Co., as follows: 1920, 8,881; 1921, 19,652; 1922, 23,995.

The prevalence of mortality in 1922 is among the smaller business firms and not among the larger ones as in 1921.

Mr. BARKLEY. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. HUDDLESTON].

The SPEAKER pro tempore. The gentleman from Alabama is recognized for five minutes.

Mr. HUDDLESTON. Mr. Speaker, the brief time allotted to me for the discussion of this measure does not permit of a full explanation of its provisions. I am forced to content myself with a very brief explanation of some of the changes made in the existing law.

SOLDIER MUST HAVE BEEN DISCHARGED BY COURT-MARTIAL.

The present law deprives a soldier of compensation and insurance benefits who was dismissed or discharged from the Army for misconduct. By the amendment it is made necessary that the dismissal or discharge must have been after trial by court-martial in order to prevent an ex-soldier from receiving compensation for disabilities connected with his service or the benefits of the insurance which he paid for with his own money.

THREE YEARS FOR MENTAL DISEASES AND TUBERCULOSIS.

Perhaps the most important amendment proposed is the amendment to section 300 of the act. At present veterans developing mental diseases or tuberculosis within *two* years after discharge are held to have contracted same while in service and are granted compensation for such disabilities. The amendment extends the period to *three* years, within which, if such diseases are found to exist, same are held to be service connected and compensable.

SOLDIER PRESUMED TO HAVE BEEN SOUND WHEN ENLISTED.

Another important amendment to section 300 is the insertion of the word "conclusively" in the second sentence of said section. This sentence as it appears in the existing law is the substance of an amendment which I offered on the floor of the House and secured to be adopted as a part of the act of June 25, 1918. I had observed that soldiers developing disabilities while in service were frequently charged by the Army surgeons with having had the disability at the time they enlisted, although upon examination at that time no such disability had been found. It is the practice of the Pension Office that where, even months after the soldier enlisted, an Army surgeon states on his record that he had the disability when he enlisted, although upon a searching examination at that time same was not disclosed, such statement is conclusive and defeats the soldier's right to pension. Such a practice was so unjust that I felt that it should not be applied to World War soldiers. In short, it was my feeling that if upon an examination by Army surgeons at the time he enlists the soldier is found to be sound in every respect it was unfair for the Government to refuse compensation for disabilities subsequently discovered merely because some Army doctor might say that he had no such disabilities at the time he enlisted. With this purpose in mind I introduced the amendment which provided that a soldier should be held as having been in sound condition when he enlisted except as to such infirmities as were then made of record by the examining officers.

My amendment seemed to make the law very plain. However, the Veterans' Bureau in many cases has refused compensation to soldiers who were found sound by the examining surgeon at the time of enlistment, basing such refusal upon the ground that the soldier had a disability existing at such time which the surgeon did not discover. In order to place the law beyond such interpretation the word "conclusively" is now inserted before the word "held" as same appears in my previous amendment. It is hoped that by the use of this language the bureau will be prevented from going back of the finding of the examining surgeons who pronounce a man sound at the time he is enlisted.

BURIAL OF INDIGENT VETERANS OF ALL WARS.

Section 301 (g) (2), as amended by the pending bill, authorizes the bureau to pay $100 as the burial expenses of a veteran who may die without sufficient assets to pay for his burial. The most important aspect of this amendment is that it covers veterans of all wars, including Civil War, Spanish War, Philippine insurrection, and so forth. In other words, by this amendment for the first time is it recognized that there should be no discrimination among soldiers, all of whom have served honorably in various wars. True, this principle is now made applicable only to burial benefits, but I believe that it will eventually be extended to all other forms of soldier relief.

HOSPITALIZATION FOR SPANISH WAR VETERANS.

Section 302 (6) of the existing law extends to Spanish War soldiers suffering from tuberculosis and mental diseases the right to hospitalization in Veterans' Bureau hospitals. However, Spanish War soldiers have been discriminated against in that while they are treated at the hospitals the same as World War soldiers they are required to pay their own transportation to and from the hospitals, while such transportation is furnished free to World War soldiers. The amendment made by the pending bill will extend to Spanish War veterans desiring to enter bureau hospitals for treatment for said diseases the same free transportation which is now granted to World War veterans.

INSURANCE NOT LAPSED WHEN COMPENSATION DUE.

By section 408 of the present law, where an ex-soldier fails to pay premiums on his insurance at a time when there is due him for compensation for service-connected disabilities an amount in excess of the amount of his insurance premiums, and such ex-soldier subsequently dies from said disability "without collecting or making claim for said compensation," then his insurance shall be held not to have lapsed and benefits thereunder shall be payable to his beneficiaries. By this bill the law is amended by striking out the words "or making claim for," so that where a veteran has claimed the compensation which was due him, but has not been able to collect it from the bureau, his insurance is not lapsed. This amendment was adopted in the committee upon my motion. There are numerous cases in which veterans have been entitled to compensation and have claimed it, but the bureau has failed to allow their claims or has delayed payment until the veteran has died from his disability. Surely the mere fact of having "claimed" the compensation ought not to cause the lapse of the soldier's insurance.

The time at my disposal is too short for me to discuss the amendments further. I have mentioned merely the most important. There are numerous other amendments, all of which have my hearty approval.

It is my position that the war risk act should be amended in numerous respects not proposed by the pending bill. However, due to the parliamentary situation, no amendments are now permitted to be offered. This measure is being considered under a motion to suspend the rules, which makes it impossible for any amendment to be offered. Such a procedure can not be justified, except upon the ground that the present Congress is so near its end that there is not sufficient time for the regular and proper consideration of the bill.

EQUAL COMPENSATION BENEFITS FOR VETERANS OF ALL WARS.

Had the bill been offered under the usual procedure of the House permitting amendments, it had been my purpose to offer an amendment extending to Spanish War and Civil War veterans all compensation benefits now accorded to World War veter-

ans. Upon numerous occasions I have protested upon this floor against the discrimination practiced against my former comrades of the Spanish War. I hold that it is fundamental that soldiers of equal merit and service who have served their country honorably in time of war should not be discriminated among merely because they served in different wars.

A soldier who served in the Civil War and was wounded in battle should receive the same compensation, pension, or whatever the relief may be called, as a soldier sustaining the same disability in the World War. The same principle is, of course, applicable to veterans of the Spanish War. It can justly make no difference whether a soldier lost his leg at Gettysburg, Santiago, or in the Argonne, and any system of soldier relief which makes such discrimination is fundamentally wrong and unjust.

BASE RELIEF FOR SOLDIERS UPON JUSTICE, NOT POLITICAL INFLUENCE.

Under existing laws a totally disabled Civil War soldier receives a pension of $72 per month, a totally disabled Spanish War soldier gets only $30 per month, whereas a totally disabled World War soldier receives $80 a month, with an addition for his dependents. Again, the widow of a Civil War soldier is pensioned at $30, the Spanish War widow receives $20, while the widow of the World War soldier receives $25 monthly. How is it possible to justify such discrimination? Soldiers of all wars should be rewarded on the same basis, and their dependents should receive equality in treatment. The fact that those serving in the World War are more numerous and hence have greater political influence is no answer, although it is no doubt the real reason for the discrimination.

Upon several occasions upon this floor I have presented this same argument in behalf of equality of treatment of all soldiers. I favor liberality toward all those who have sustained disabilities in their service of the country, but such liberality must be equal to all and without regard to the voting strength of the various groups.

I wish to serve notice on the House now that upon every occasion hereafter upon which legislation is presented in the House in such way as will make such an amendment permissible, I intend to offer an amendment which will extend to the veterans of all wars the same compensation and other benefits as are granted to World War soldiers. I shall expect support for such an amendment from all those who love justice and equality. Particularly, I shall expect the support of any former World War soldiers who may be in the House of Representatives. I feel that in appealing to them in behalf of justice for Civil War and Spanish War soldiers I will meet with a sympathetic response.

The SPEAKER pro tempore. The time of the gentleman from Alabama has expired.

Mr. BARKLEY. Mr. Speaker, I yield to the gentleman from Georgia [Mr. LARSEN].

The SPEAKER pro tempore. The gentleman from Georgia is recognized.

Mr. LARSEN of Georgia. Mr. Speaker, I believe the proposed legislation will prove advantageous and shall support it, but I am also deeply concerned as to the economical expenditure of appropriations made for the support of the Veterans' Bureau.

The papers of yesterday told us that Col. C. R. Forbes is no longer Director of the Veterans' Bureau and gave an account of many shiftings and changes of employees as well as recommendations made by the retiring director during the last few hours of his disgraceful administration.

Some of the changes recently made seem to indicate a purpose to provide as well as possible for those who have been his willing henchmen. Others indicate a desire to remove from the scene of questionable activities those who are supposed to possess and may be willing to disclose considerable information regarding the waste, extravagance, and mismanagement which characterized the Forbes reign.

Among the retiring director's recommendations is one proposing to increase the salary of certain bureau physicians to $20,000 per annum. Of course, we might have expected him to recommend or do something to divert public attention from the proposed bureau investigation which he pretends to court but has been so careful not to recommend.

If instead of wrecking his mind for some unnecessary, nonsensical recommendation for future operation of this discredited bureau he had endeavored to explain to Congress and to the public some of the apparently unwise if not shady and corrupt transactions of recent months with which his name is so closely linked, he would have commanded more respectful public attention.

If current rumors and press reports are to be regarded in the slightest degree, there are certainly many things which Mr. Forbes might explain. The public would be glad to have his statement concerning a contract for more than a million dollars which was awarded the Hurley-Mason Construction Co., of Tacoma, Wash., and of which he is reputed to have been a former vice president. He might tell the public whether this contract was let upon competitive bids, who the parties were that submitted bids, and the amount of each bid. If he claims competitive bids were submitted, he might explain why the lowest bids were not accepted and why the particular company of which he was vice president should be awarded the contract without at least submitting as low a bid as anyone else.

His explanation of contract awarded to the W. N. Sutherland Building & Construction Co. for construction of a hospital at Tupper Lake, N. Y., would be of interest. If it were necessary to award the first contract of $42,000 to this party on competitive bids, he might also explain why he did not deem it necessary to require competitive bids for the additional $52,000 contract awarded this company.

The ex-director might do well to explain the contract that was awarded to J. W. Thompson, of St. Louis and Chicago, for construction of the North Hampton Hospital. Why should Mr. Thompson be awarded this contract at $163,000 if the Northeastern Construction Co. submitted a competitive bid offering to do the work for $27,000 less? If he should contend that the Northeastern Construction Co. is not reliable, he might explain how it is this same company is now doing construction work for the Government at Norfolk, Va.

If the War Department, disposing of surplus war material, received an average of 57 per cent for textiles sold, the public would certainly be glad to know why it was necessary for the Veterans' Bureau to sell such articles to the Thompson Kelly Co. for 20¼ per cent. In this connection he might also explain why he did not sell such goods as were sold to the Thompson Kelly Co. to other parties who offered 50 per cent more for them.

If 20¼ per cent, the price at which the bureau sold surplus war material to the Thompson Kelly Co., was a reasonably fair price for same, the ex-director might explain how it is that such staple articles as bed sheets, etc., were actually delivered over to this company for 17 per cent of the original cost or less. He might also explain how it is that practically all of said goods sold the Thompson Kelly Co. have been resold by said company—by auction or otherwise—at from three to five times the price paid the bureau for them. But, why should we sell articles necessary for operation of hospitals in the Veterans' Bureau when we are forced to rebuy such articles at approximately five times the price?

Mr. Forbes might also explain the mystery and reason which prevents officials of the Veterans' Bureau from advising Members of Congress or the public concerning original proposition made by Thompson Kelly Co. to the Veterans' Bureau regarding sale of property about November 15 of last year; the letter which he wrote to C. R. O'Leary authorizing disposition of surplus war material; the letter O. K'd by O. E. Keogel, assistant counsel, authorizing the sale of such goods on or about November 15 last; the contract made by Thompson Kelly Co. with the Veterans' Bureau for purchase of surplus war material; the invoices covering shipments made to Thompson Kelly Co. by the Veterans' Bureau; the price paid by said company for goods, etc.; the letter of explanation written to the President of the United States regarding many items sold to Thompson Kelly Co. with claim of damage to said goods—its offer to return or resell said goods to the Government—and especially the letter of said Thompson Kelly Co. dated on or about February 11, 1923, withdrawing proposition to return or resell said goods; appraisal of goods made for the President with recommendation of the Veterans' Bureau showing cost of goods, sale price of goods in open market, and price at which similar articles were sold by the Army.

Certainly Mr. Forbes knows that if these transactions with the Thompson Kelly Co. are honest and legitimate there should be no objection to giving individual Members of Congress information regarding them. If an investigation of the Veterans' Bureau be not objectionable, why do autocratic bureau officials hesitate to reveal or seek to cover up and conceal facts and information to which the public and its representatives are entitled?

Mr. Speaker, regardless of the desire of Mr. Forbes and bureau officials, why should Congress—the representative of the people—longer hesitate to order such an investigation as will fully advise the public as to true conditions regarding the bureau? Personally, I have made no charges against the bureau or individuals connected with it, but for almost 12 months I have persistently insisted that the Congress should investigate and advise the public as to the truth or falsity of reports as to waste, extravagance, and mismanagement alleged to pervade almost every department of this great organization

which was intended to ameliorate and relieve, so far as possible, the distressed conditions of our World War veterans. We are spending more than $425,000,000 annually—approximately $1,200,000 per day—of taxes collected from the public for this worthy cause, and the taxpayers are entitled to know that these funds are being economically and honestly administered.

A Senate committee has recommended a joint investigation of the Veterans' Bureau, and the membership of the House, I am sure, desires to participate in whatever investigation may be ordered. The Rules Committee of the House are to blame if we do not participate, and I trust that favorable action may not be longer delayed.

The SPEAKER pro tempore. The time of the gentleman from Georgia has expired.

Mr. LARSEN of Georgia. The time was not limited, Mr. Speaker. The gentleman from Kentucky [Mr. BARKLEY] simply yielded to me.

The SPEAKER pro tempore. The Chair is advised to the contrary. The time of the gentleman has expired.

Mr. LARSEN of Georgia. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. BARKLEY. Mr. Speaker, I yield two minutes to the gentleman from Texas [Mr. CONNALLY].

Mr. CONNALLY of Texas. Mr. Speaker and gentlemen of the committee, I want to express my hearty agreement with the attitude of the gentleman from Alabama with reference to discrimination in the matter of benefit compensation and other privileges as between veterans of the Spanish-American War and the World War. However, I desire to call the attention of the committee to another matter in connection with veterans' legislation. The Senate has recently had a subcommittee at work on the question as to whether or not the Veterans' Bureau and its branches should be investigated during the recess of Congress. The Senate is making provision to conduct the investigation alone unless the House expresses its desire to have an opportunity to take part in that investigation. The Senate desires a joint committee for that purpose, and I want to urge upon those in authority here, especially the Speaker pro tempore, that they permit the consideration of a joint resolution in order that the House may have a part in the proposed investigation, because the House is more vitally concerned than even the Senate by reason of the greater number of cases which pass through our hands. I trust those in authority will grant the appeal of the Senate when it asks the House to take part in the joint investigation. [Applause.]

Mr. BARKLEY. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman from Kentucky has 10 minutes remaining.

Mr. BARKLEY. Mr. Speaker, I yield to the gentleman from Mississippi [Mr. RANKIN] three minutes.

Mr. RANKIN. Mr. Speaker, I shall vote for this bill, for the reason that I want to see every man who was disabled in the service of his country during the World War amply taken care of; but at the same time I want to express my profound disappointment that after two years under the present system, after all the iniquities of decentralization of the Veterans' Bureau, the bill does not provide for recentralization of that great institution. If it had done so, it would have saved the Government enough money to pay every dollar of the additional cost which this bill calls for.

I agree with the gentleman from Texas [Mr. CONNALLY] that we need a thorough investigation of the Veterans' Bureau. I sincerely trust, as he said, that the temporary Speaker of the House, the chairman of the Rules Committee, and other members of the committee will bring in a rule giving us the opportunity to pass such a resolution, in order that the House of Representatives may take part in a thorough investigation of the Veterans' Bureau, which, in my opinion, is squandering not millions but hundreds of millions of dollars annually.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. SANDERS of Indiana. What power has this Congress to provide for investigation by another Congress that does not organize until next December?

Mr. RANKIN. It is not necessary to appoint newly elected men on the committee; we can select men who are holding over. Besides, we will have no trouble in getting the next Congress to ratify any authority we may attempt to give them, and at any rate the next Congress will be able to use such facts as the committee may be able to develop. You gentlemen who are going home to stay nine months will come back agreeing with me that we ought to recentralize the bureau and stop so much unnecessary waste of public money. In fact, a vast majority of you agree with me now.

Mr. SWEET. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. SWEET. The other day I heard the gentleman on the floor make the assertion that there were two or three hundred million dollars squandered annually. That was his judgment.

Mr. RANKIN. My honest opinion is that if it is not squandered it is extravagantly expended.

Mr. SWEET. And they should not receive the compensation and the insurance benefits.

Mr. RANKIN. I did not say that, and if the gentleman heard me, he knows I did not say it. I said I was in favor of taking care of every disabled ex-service man, but I am not in favor of taking care of every politician from the Great Lakes to the Gulf who wants to get on the pay roll of the Veterans' Bureau, not as disabled ex-service men but as pork-barrel appointees who want to get on, or hold on, at large salaries, which must come out of the pockets of the American taxpayers.

About 5,000,000 of these taxpayers are ex-service men who fought the country's battles in time of war and are now paying its taxes in times of peace, and they are not going to appreciate the wholesale waste and extravagance now being perpetrated by the Veterans' Bureau under the pretense of helping the ex-service men.

As every man present knows, I fought the decentralization of the Veterans' Bureau in the beginning, and I pointed out to you on the floor here that it would simply increase the red tape, remove relief at least one step further from the disabled soldier, promote delay, and vastly increase the expense without bringing about any of the advantages claimed for it by the friends of decentralization.

What is the result? You have scattered the records of this institution all over the United States, increased salaries, multiplied the number of employees, leased large office buildings at unreasonable costs, and piled up the expense of this one bureau until it is costing the American people more than $500,000,000 a year, or more than the entire Government was costing 15 years ago, and yet the ex-service man is being no better cared for than he was in the beginning—if as well.

How long do you expect the American taxpayers to stand for this extravagant policy? How long do you think the ex-service men are going to stand for all this waste under the pretense of bringing relief to the boys who suffered disabilities as a result of their services during the war? I am told that in New Orleans they moved the branch office of the bureau out of the customhouse, where the rent was free, because the Government owned the building, and moved into the Hibernia Bank Building, where they are said to be paying $47,854 a year rent. I am told that in Boston they are paying $154,500 a year office rent, and approximately the same amount in New York, and possibly other places. If these are facts, they are outrages perpetrated against the taxpayers of America, if not with the consent of the American Congress, at least without a protest on the part of a vast majority of this august body.

If they are not facts, then you ought to give us a joint investigation of this bureau in order to clear these matters up. Whenever it is investigated thoroughly there will be uncovered, in my judgment, such an appalling amount of waste and extravagance that it will not only shock the American people but it will even astound the genial gentleman from Iowa [Mr. SWEET]. [Applause.]

Mr. BARKLEY. Mr. Speaker and gentlemen of the committee, I am in favor of this legislation because it in the main will be beneficial to the veterans who are seeking compensation. I am very sorry it does not contain one or two other provisions which it strikes me ought to have been enacted some time ago. One is the provision entitling all veterans who are entitled to vocational training at all to train under section 2 of the war risk insurance act. It is very difficult, I know, to draw the line between those entitled to train under section 2 and those who are entitled to train under section 3. My judgment is that every veteran who is entitled to train at all ought to be entitled to train under section 2. Many of them can not take section 3 training for lack of funds.

However, the bill does not contain that provision, and we need not take any more time talking about it, except to express the hope that in the near future the committee will give serious consideration to the amendment of the law so as to give

all veterans entitled to training at all training under section 2 rather than sections 2 and 3.

Mr. LONDON. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. LONDON. Does the gentleman think the proviso in section 411 is fair to the veterans where it says provided that a letter mailed by the United States Veterans' Bureau to the insured at his last-known address informing him of the validity of his insurance shall be deemed a contest within the meaning of this section?

That is a provision that is dealing with young men who frequently change their place of residence.

Mr. BARKLEY. The provision is not as favorable as we might desire, and if there was an opportunity to strike it out I should be glad to strike it out; but we know that under the rules we have to vote for or against this bill as it is.

Mr. LONDON. Is there a chance of the bill becoming a law?

Mr. BARKLEY. There is a chance of it; yes.

Mr. LONDON. And the Senate will probably have as little time to consider it as the House?

Mr. BARKLEY. Probably so; but the gentleman knows that it does not take the Senate very long to consider anything, if it considers it at all.

Mr. SWEET. May I say that this is simply to terminate a contest.

Mr. LONDON. Oh, it is to initiate a contest.

Mr. SWEET. Yes; but to terminate the matter. It is not detrimental to the service men.

Mr. JEFFERS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. JEFFERS of Alabama. The point the gentleman makes is that in the consideration of this bill under suspension of the rules we can not offer an amendment, but must say yes or no, as it is.

Mr. BARKLEY. Yes; it is. The bill must be adopted as it is, or we can not adopt it at all. As for the purported investigation of the bureau, Members of Congress received all sorts of complaints against the bureau, and when the act was passed creating the Veterans' Bureau and decentralizing it, it was generally believed that complaints that would come to Congress would be very materially diminished. Those complaints have not been diminished, and I know from my own experience that during the last two years the Veterans' Bureau has either materially reduced the compensation of many veterans who have theretofore been drawing compensation or has entirely eliminated their compensation, without ever going through the courtesy of giving them notice that the compensation has been reduced or discontinued, or giving them any explanation as to why the compensation was either reduced or discontinued.

Mr. HUDSPETH. Does this bill remedy that condition?

Mr. BARKLEY. No, it does not. I think as a matter of justice and common decency, whenever the Veterans' Bureau discontinues or reduces a veteran's compensation, the bureau owes it to the veteran to send him at the same time an explanation as to why the compensation is reduced or discontinued.

Mr. LARSEN of Georgia. Would it not be better to send it in advance?

Mr. BARKLEY. Yes, whenever they decide to discontinue or reduce a veteran's compensation, they ought to give him an advance notice of it rather than compel him to go through endless correspondence to find out why his compensation was reduced or discontinued.

With reference to the investigation that we hear so much about on the part of the Senate, I want to say that every law which has been enacted for the benefit of the World War veterans originated in the House of Representatives, in the Committee on Interstate and Foreign Commerce. The Members of this House know more about the history and origin of the war risk insurance act as it affects the World War veterans than the Senate of the United States can know or ever will know, because the thing originated here and all of the detail work of its preparation and enactment occurred upon the floor of the House.

If it is to be investigated—and I think it should be—if all of these various charges are to be sifted, and we are to find out whether there has been extravagance or incompetency on the part of the Veterans' Bureau in dealing with these veterans, I, as a Member of the House and as a member of the Committee on Interstate and Foreign Commerce, desire to register my insistence that the House of Representatives shall have a share in that investigation. If the Senate shall pass that resolution, I hope the Speaker will, not only as the Speaker pro tempore but as the chairman of the Committee on Rules, see to it that we have an opportunity to amend it so that the House shall have representation on that committee. We are interested here in knowing whether the ex-service men are being properly treated by the Veterans' Bureau. We are interested in knowing whether there is incompetence, delays, and useless waste here in Washington in the bureau to the damage of the veterans for whom it was created. Congress has tried to provide the law necessary for the relief of the soldiers of the World War. That the law has been badly administered in many respects is well known. There has been a recent change in the person of the director of the bureau. That change should have been made long ago. I hope the new director will be able to appreciate the viewpoint of the veteran as well as that of the Government. The Veterans' Bureau was created for the benefit of the veterans, and I hope there will be more promptness, more justice, more sympathetic consideration of the veteran's situation. [Applause.]

The SPEAKER pro tempore. The question is on the motion of the gentleman from Iowa to suspend the rules and pass the bill.

The question was taken, and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

REORGANIZATION OF EXECUTIVE DEPARTMENTS.

Mr. TEMPLE. Mr. Speaker, I move to suspend the rules and pass Senate Joint Resolution 282, to amend the resolution of December 29, 1920, entitled "Joint resolution to create a joint committee on reorganization of the administrative branch of the Government," which I send to the desk and ask to have read.

The SPEAKER pro tempore. The gentleman from Pennsylvania moves to suspend the rules and pass the Senate joint resolution which the Clerk will report.

The Clerk read as follows:

Joint resolution (S. J. Res. 282) to amend the resolution of December 29, 1920, entitled "Joint resolution to create a joint committee on the reorganization of the administrative branch of the Government."

Resolved, etc., That section 3 of the resolution of December 29, 1920, entitled "Joint resolution to create a joint committee on the reorganization of the administrative branch of the Government," is amended by striking out the words "the second Monday in December, 1922," and inserting in lieu thereof "July 1, 1924."

The SPEAKER pro tempore. Is a second demanded?

Mr. GARRETT of Tennessee. Mr. Speaker, I demand a second.

Mr. TEMPLE. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. Is there objection?

There was no objection.

W. W. M'GRATH.

Mr. EDMONDS. Mr. Speaker, I present a conference report for printing under the rules, on the bill H. R. 2722.

Mr. BLANTON. Mr. Speaker, I make the point of order that where a motion to suspend the rules has been made——

The SPEAKER pro tempore. The gentleman from Texas is out of order.

Mr. BLANTON. But, Mr. Speaker, I want to make a point of order that after a motion to suspend the rules has been made——

The SPEAKER pro tempore. The Chair overrules the point or order. The gentleman from Pennsylvania presents a conference report on a bill of which the Clerk will report the title.

The Clerk read as follows:

H. R. 2722. An act for the relief of W. W. McGrath.

The SPEAKER pro tempore. Ordered printed under the rule.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2722) for the relief of W. W. McGrath, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments.

G. W. EDMONDS,
JAMES P. GLYNN,
Managers on the part of the House.

ARTHUR CAPPER,
F. R. GOODING,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2722) for the relief of W. W.

McGrath submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The amount is increased from $180.50 to $459.50.

G. W. EDMONDS,
JAMES P. GLYNN,
Managers on the part of the House.

REORGANIZATION OF EXECUTIVE DEPARTMENTS.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. TEMPLE] is entitled to 20 minutes and the gentleman from Tennessee [Mr. GARRETT] 20 minutes.

Mr. BLANTON. Mr. Speaker, before we go into that I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Texas makes the point of order that there is no quorum present. Evidently there is not.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Almon	Faust	Lee, Ga.	Scott, Mich.
Ansorge	Fenn	Linthicum	Shelton
Bird	Freeman	Longworth	Sinclair
Bland, Ind.	Garner	Luhring	Slemp
Brand	Goodykoontz	McClintic	Smith, Mich.
Brennan	Gorman	McFadden	Sproul
Brooks, Ill.	Gould	Maloney	Stedman
Brown, Tenn.	Hardy, Colo.	Michaelson	Steenerson
Browne, Wis.	Hardy, Tex.	Montague	Stiness
Burton	Hays	Moore, Ill.	Stoll
Byrnes, S. C.	Henry	Mudd	Sullivan
Cannon	Hukriede	Olpp	Taylor, Ark.
Cantrill	Jacoway	Overstreet	Ten Eyck
Carew	Johnson, Miss.	Paige	Thomas
Clark, Fla.	Jones, Pa.	Park, Ga.	Thorpe
Classon	Kahn	Parks, Ark.	Treadway
Clouse	Keller	Patterson, Mo.	Volgt
Codd	Kelley, Mich.	Patterson, N. J.	Walters
Cole, Ohio	Kennedy	Pringey	Ward, N. C.
Connolly, Pa.	Kindred	Rainey, Ala.	Wheeler
Copley	King	Reber	White, Me.
Crowther	Kitchin	Riddick	Williams, Tex.
Cullen	Kleczka	Rodenberg	Wingo
Davis, Minn.	Kline, N. Y.	Rose	Wise
Denison	Knight	Rosenbloom	Wood, Ind.
Drane	Lanham	Rucker	Woodruff
Dunbar	Larson, Minn.	Ryan	Wright
Ellis	Lawrence	Sanders, N. Y.	Zihlman
Fairfield	Layton	Schall	

The SPEAKER pro tempore. Three hundred and ten Members have answered to their names. A quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will open the doors.

Mr. TEMPLE. Mr. Speaker, the question before the House is the adoption of Senate Joint Resolution 282, which, of course, has passed the Senate. In December, 1920, by joint resolution of the two Houses, a committee was created for the reorganization of the administrative branch of the Government. It provided that the committee should make its final report on the second Monday in December, 1922. When that date came the committee was not prepared to make its report, and it is not prepared now. The pending resolution provides simply to strike out that date—the second Monday in December, 1922—and insert in lieu thereof another date—July 1, 1924. That gives the committee more time in which to prepare its final report. I reserve the remainder of my time.

Mr. BANKHEAD. Will the gentleman yield for a question?

Mr. TEMPLE. Yes; I will yield for a question.

Mr. BANKHEAD. I want to ask the gentleman if, as a matter of fact, this joint committee has had any real session or has done any amount of work, or has it not been done exclusively by Mr. Brown, its chairman?

Mr. TEMPLE. I am very glad to make a statement in regard to that. On May 5, 1921, a resolution was drafted by which the two Houses authorized the President to appoint a representative of the Executive to cooperate with this committee. Shortly after that the President appointed Mr. Walter F. Brown, of Toledo, Ohio, and he was made chairman by the committee. The committee then outlined very broadly certain principles upon which the executive departments, we thought, ought to be reorganized, and instructed the chairman, who was the President's personal representative, to consult the President and the members of the Cabinet and the executive branches of the Government generally and find out for how much of the program we could get executive backing. The committee believed that it would hardly be worth while to make a report recommending legislation against which members of the Cabinet and bureau chiefs might be lobbying. In order to find out how much of a plan we could get through without adverse lobbying from persons connected with the executive branch of the Government, we asked that an executive plan be prepared. That plan was reported to the committee on reorganization and the committee is ready to begin its work.

Mr. BANKHEAD. Well, up to the present time under that statement the joint committee, beyond the activities of the chairman, have done no actual and constructive work on this proposition. That is true, is it not?

Mr. TEMPLE. I think that is hardly a fair inference from the statement I made. The chairman of the committee has performed the duty we instructed him to perform. The gentleman who makes this inquiry may think it has taken him a long time to do it, but it has been done and the committee is ready to begin its consideration of this proposed plan. Mr. Speaker, I reserve the remainder of my time.

May I yield to the gentleman from Nebraska for a request?

Mr. ANDREWS of Nebraska. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on Senate Joint Resolution 253.

The SPEAKER pro tempore (Mr. GERNERD). Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to is here printed in full as follows:

Mr. ANDREWS of Nebraska. Mr. Speaker and Members of the House, I invite attention to Senate Joint Resolution 253, which passed the Senate on the 13th of February and was referred on the 14th of that month to the House Committee on Election of President, Vice President, and Representatives in Congress. It was returned to the House by that committee on February 22, 1923, with certain amendments, as explained in House Report No. 1690. The resolution as amended reads as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —.

"SECTION 1. The terms of the President and Vice President shall end at noon on the 24th day of January and the terms of Senators and Representatives at noon on the 4th day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin. This section shall take effect on the 15th day of December following the ratification of this article.

"SEC. 2. The Congress shall assemble at least once in every year, and such meeting shall be on the 4th day of January, unless they shall by law appoint a different day.

"SEC. 3. If the House of Representatives has not chosen a President, whenever the right of choice devolves upon them, before the time fixed for the beginning of his term, then the Vice President chosen for the same term shall act as President until the House of Representatives chooses a President; and the Congress may by law provide for the case where the Vice President has not been chosen before the time fixed for the beginning of his term, declaring what officer shall then act as President, and such officer shall act accordingly until the House of Representatives chooses a President, or until the Senate chooses a Vice President."

It seems advisable to state as concisely as possible the changes that would follow the adoption of this proposed amendment to the Federal Constitution.

The first and most important change would be the shortening of the period of 13 months which now intervenes between the election of a new Congress in November and its first regular session in December of the following year. Under existing provisions of the Constitution and statutes, the terms of Members begin and end on the 4th of March of the odd years. The proposed amendment would make the 4th day of January the date of the beginning and ending of the terms of Senators and Representatives and also the date for the convening of the new Congress in the absence of statutory provision to the contrary. This change would reduce that period of 13 months to 2 months. Thus, the Members elected to each Congress would have a period of two months only between the date of their election and the date on which they would begin active service. This change would also practically eliminate the necessities for special sessions of Congress.

Each regular session beginning on the 4th of January would have the period of an entire year before it for the transaction of the business of the country, pressing for consideration and action. To accomplish these results it is necessary to change the dates for the beginning and ending of the terms of President and Vice President, Senators and Representatives also.

As the length of their terms is fixed by the Constitution for four, six, and two years, respectively, with the 4th day of March as the date for beginning and ending of such constitutional terms, a constitutional amendment is necessary to change to January 4 for Senators and Representatives and January 24 for President and Vice President in order to inaugurate the new plan. This change will affect the length of terms of President and Vice President and Representatives once and will affect three different groups of Senators.

If this proposed amendment should be submitted to the States at this session of Congress it is possible for it to become effective in 1925. It is probable, however, that it would not become effective before 1927 for Senators and Representatives and 1929 for President and Vice President. When the change is made it will be necessary to shorten the terms of certain retiring or incoming officials. The Members who may be serving in the closing Congress and will not be Members of the next Congress would have their terms shortened by two months under the terms of this resolution. Some have urged that the terms of incoming officials be shortened and that the terms of the outgoing officials should be extended to the full constitutional limit for which they were originally elected.

This resolution as passed by the Senate is based upon the latter principle, while the House committee recommends the adoption of the former. Your committee advocates the former principle, because it does not seem proper that outgoing Representatives, for instance, should be given an opportunity to organize the House in which they would serve only 60 days. An additional reason appears in connection with the election of a President. It would be possible that outgoing Members having been elected two years before the presidential campaign might wield the balance of power in the election of a President in the House if such an election were thrown into the House. Aside from these reasons, your committee might have found its way clear to concur in the view of the Senate upon this point.

It also seemed advisable to fix a definite date, December 15 following the ratification of the article, on which the proposed amendment would take effect. The fixing of these definite dates would remove many uncertainties and give exact recognition to the constitutional provisions fixing the terms of President, Vice President, Senators, and Representatives for exact periods of time.

The House amendment makes only a slight change in section 3 of the Senate resolution by indicating the 4th day of January as the definite date on which the Congress should assemble instead of saying the first Monday in January. Section 3 of the House resolution contains some additional matter which, in the judgment of your committee, might become very important in the event of failure on the part of the House to elect a President before the 24th of January, and also the failure of the Senate to elect a Vice President at the same time.

I need not quote section 3 in full, as you have it in the printed form that can be secured from the document room.

A request was made for a special rule under which this resolution could be considered at this session, and the cooperation of the majority leader was solicited in securing that rule. The chairman of the Committee on Rules refused to consider the granting of a rule. Mr. CAMPBELL of Kansas was Speaker pro tempore when the resolution was reached on the Unanimous-Consent Calendar and refused to recognize me to move a suspension of the rules for the passage of the resolution.

We were within reach of victory in this important reform. It means economy in a large measure and a direct and favorable response to the sentiment of the country. Agricultural organizations have requested it. Organized labor has requested it. Industrial interests in many lines have requested it, and the deliberate judgment of a vast majority of the thinking people of the United States stand in sympathy with the movement. The American Bar Association urges its adoption. The language of the House amendment eliminates ambiguity and has stood the test of all the criticism that has been turned upon it. Then why should the leadership of this House refuse consideration of this proposition?

HOUSE REPORT NO. 1690.

Part 2 of House Report No. 1690, Sixty-seventh Congress, fourth session, was filed by Mr. BULWINKLE, of North Carolina, who assumed in his own name to represent minority views in relation to this resolution 253 and the report 1690 made thereon by the committee.

In reply to his criticism, let the fundamental fact be stated at the outset. A majority of the members of that committee were present at that meeting. The question of no quorum was not made by anyone. It was mentioned only informally. Neither was there a dissenting vote cast against reporting the resolution. Under the rules and practice of the House that committee meeting was regular and those who assert the contrary either do not know or deliberately disregard the rules and practice of the House. It would be helpful to him to acquaint himself with the rules of the House on the subject of a quorum.

On last Tuesday evening this House with a membership of 435 passed a deficiency bill with less than 50 Members present. That bill carried $154,000,000. It also passed a narcotic bill affecting our international relations. It also passed a revenue bill affecting our international relations. The majority and minority leaders were both on the floor of the House and participated in those transactions, and yet an uninformed Member presumes to record criticism against a committee that was transacting, in a regular manner, the business assigned to it by the House.

We were advised in the beginning of our consideration of that resolution that the gentleman from North Carolina [Mr. BULWINKLE] claimed to be following the leadership of Washington and Jefferson. We discovered, however, toward the close that he had abandoned Washington and Jefferson and was following the leadership of the gentleman from Oklahoma [Mr. HERRICK].

The central fact is this: The gentleman from North Carolina has sought to delay this resolution from the beginning by means of quibbles and unimportant suggestions. He was also designated as a member of a subcommittee to prepare a draft of amendments to the Senate resolution. So far as I am advised he never attended a single meeting and appeared only at such times as he could create embarrassments and delay the work of the committee.

When the gentleman speaks about giving serious deliberation to questions of this sort he should remember that he has deliberately refused as a member of the committee to give any deliberate consideration to this proposition.

The alleged minority views state that some questions may have escaped consideration. Nothing would have ever been considered on this or any other important question if your committee had been left to rely upon the gentleman from North Carolina.

The criticism relative to the election of President and Vice President by the House and Senate, respectively, loses its force entirely in the light of the provisions of section 3 of the committee report.

The Tilden-Hayes contest would have no bearing whatever upon the orderly procedure of the Congress or the executive branch of the Government under the terms of the resolution reported by the committee.

The earnest hope that there will never be an interregnum in the executive branch of the Government does not remove the fact that such a contingency might arise. If the gentleman had studied the question far enough and learned his lesson well enough he would have recognized that fact and avoided the error he has made.

His conjectures in regard to the returns of election boards are purely imaginary and fantastic. The gentleman's suggestion with reference to "due and serious deliberation" is merely an argument for delay and the defeat of the proposed reform. The gentleman from North Carolina [Mr. BULWINKLE], under the leadership of the gentleman from Oklahoma [Mr. HERRICK], has deliberately sought to defeat even consideration of this proposition in committee and now comes with erroneous statements before the House in a printed document under the title "Minority views," and thus seeks to deny to the people of the country who are demanding this reform even a chance to secure an expression of the opinion of this House. If that is his view of representative government, he is welcome to it and can keep all of it for himself.

This statement is due the members of the committee who have worked diligently to discharge the duties assigned to them by the House.

It is very unfortunate that the majority leader, Mr. MONDELL, and the chairman of the Committee on Rules, Mr. CAMPBELL, should disappoint the country and oppose this reform. They have united with the gentleman from North Carolina, Mr. BULWINKLE, under the leadership of the gentleman from Oklahoma, Mr. HERRICK, to defeat the passage of this resolution. The popular demand for this reform should have warned the majority leader and the chairman of the Committee on Rules against such a political mistake as they have made in this case. They seemed to have been impressed with the idea that it was more important to pass bridge bills and create new offices in New York City than it would be to deal with this nation-wide proposition, which means unmeasured economy in the reorganization

of governmental affairs. As we stand on the verge of victory we meet our disappointment and defeat at the hands of Mr. MONDELL and Mr. CAMPBELL—especially Mr. CAMPBELL.

Up to this hour neither of these gentlemen has pointed out a single objection to the wording of the resolution. That resolution has been examined by some of the best constitutional lawyers in the House and Senate and on the outside. Everyone to whom it has been submitted has approved it as a valid proposition. We have plead for its passage, not for personal reasons, but because it would lead to an important, enduring reform in Government business. When the leadership of the House denies the country the opportunity of a vote in the House upon this and similar questions we can understand why there were so many political casualties in the campaign of 1922.

Let those who believe in this reform take renewed courage and wage the battle in the next Congress and in the next if necessary, until this principle is adopted. This statement of facts is warranted by the importance of the measure involved and the loyalty and devotion of its friends. Let those who believe in the principles of this resolution renew their activities in the fight and wage the warfare until victory crowns their efforts.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill H. R. 14438.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSTER. Mr. Speaker, Robert Morris is the one outstanding patriot of the Revolutionary War whose memory has been shamefully neglected by the United States Government and its citizens generally. Without the services so unselfishly rendered by this great "financier of the American Revolution" it may be seriously questioned whether our War of Independence would not have utterly failed.

Mr. Morris, a Welshman, was born in 1734 and died at the age of 73 years. He came to America at the age of 6. When 20 years old he organized the firm of Willing & Morris at Philadelphia, which lasted for 39 years and was recognized as the largest importing house in the Colonies.

During the first year of the Revolutionary War General Washington wrote Mr. Morris that he did not have enough money to keep the Army together. Morris, on his personal credit, borrowed the money, sent it to General Washington, and the victory at Princeton followed. Thereafter he was the confidential adviser of General Washington on financing the Army.

He was the financial backbone of the Revolution. He furnished more than $3,000,000 upon his own credit and from his private sources, without which all physical force would have been in vain. "Without Robert Morris, the sword of Washington would have rusted in its sheath."

Carlo Botta, a European, in his history of the American Revolution, says:

> Certainly the Americans owed and still owe as much acknowledgement to the financial operations of Robert Morris as to the negotiations of Benjamin Franklin or even the arms of George Washington.

Upon his retirement from public life he speculated largely in unimproved lands. Through the dishonesty of others he was financially ruined, and closed his life in utter poverty. The Government that he had carried on his own shoulders through adversity to prosperity allowed him to remain, from the 16th of February, 1798, until the 26th of August, 1801—a period of 3 years 6 months and 10 days—an inmate of a debtor's prison without raising a hand to help him, thus adding another link to the chain which proves that "republics are ungrateful."

He had an acute mind. He was a charming conversationalist and an excellent public speaker, with manners gracious and simple. He was never heard to complain of his misfortune. Charles Henry Hart closes an article on Robert Morris with this paragraph: "None of the many worthies of the Revolution stood higher in the esteem or approached nearer to the heart of Washington than Robert Morris." The pater patriae's adopted son, George Washington Parke Custis, says: "If I am asked, 'And did not Washington unbend and admit to familiarity and social friendship some one person to whom age and long and interesting associations gave peculiar privilege, the privilege of the heart?' I answer that favored individual was Robert Morris." In the fall of 1798, when Washington repaired to Philadelphia to superintend the organization of his last army, called together on the apprehension of war with France, "He paid his first visit to the prison house of Robert Morris. The old man wrung the hand of the chief in silence, while his tearful eye gave the welcome to such a home." Well may we repeat Whittier's words:

> What has the gray-haired prisoner done?
> Has murder stained his hands with gore?
> Not so; his crime's a fouler one,
> God made the old man poor.

Robert Morris was of Welsh extraction. No better blood has entered the industrial, political, and religious life of America. The Americans of Welsh ancestry have given us our finest quality of industry, music, home life, and patriotism. No better type exists in America to-day than that evidenced by our present Secretary of Labor, Hon. James J. Davis. He sprang from poverty and by honesty and perseverance has reached his present position of prominence. His life furnishes a fine example to place before our youth of this and succeeding generations.

Last evening at Pittsburgh Secretary Davis delivered an address before "The American Gorsedd," an association of those born in Wales and their descendants. It is such a deserved tribute to the sons and daughters of Wales that I take pleasure in its reproduction here:

"To-day is the feast day of the patron saint of Wales. Wherever Welshmen are gathered together on this day as it recurs year after year they pay their measure of tribute to St. David, that first great exponent of those characteristics which have made the Welsh a great nation. Down through the ages the Welsh have carried high the torch of civil and religious liberty kindled by St. David in the dim past, marching in the forefront of civilization and progress. Long before the advent of the patron saint of Wales on this earth his native land became a refuge for those who were persecuted for conscience's sake, for no smoke from the burning victims of bigotry, or groans from bloody gibbets, ever rose in the pure air of Wales, for the truth was sacred to them, as exemplified in the druidic adage, 'Y Gwir yn Erbyn y Byd,' the truth against the world. No sublimer instance of courage in the face of death is recorded than that of John Rogers, a true Welshman, who was burned at the stake in Smithfield, England, when he exclaimed: 'I die for the truth; the truth of God.'

"It was the Welsh who in the beginning of the thirteenth century made protest against the oppression of government under King John. It was our people who were largely responsible in getting from him at the Battle of Runnymede, in the year 1215, the great liberating document of the world, the Magna Charta, the forerunner of constitutional government, the benefits of which we acclaim.

"At a later period in England's history the Welsh led the people in a struggle for freedom and religion against their king. When Oliver Cromwell, whose real name was Williams, but who followed the name of his mother's family for the purpose of acquiring her property, overthrew the dissolute Charles Stuart the Welsh were with him. John Jones, Thomas Harrison, Hugh Peters, and John Hunes were among the members of Parliament who voted the death of the dethroned King. They paid for their votes with their lives. President William Henry Harrison was a lineal descendant of the regicide Thomas Harrison, and Benjamin K. Butler, of New York, one-time Attorney General, was a direct descendant of John Jones. These Welshmen who followed Cromwell had the unwavering devotion to truth, that sublime courage, which has always been the characteristic of Cambria.

"St. David displayed similar courage when he proclaimed the truth of God in the age of darkness and superstition, when he condemned the wickedness of kings and false teachings and unjust administrators of the land. In this respect he was probably the greatest reformer, patriot, and philanthropist Wales has ever produced. He blazed the way through the pathless thickets of ignorance and superstition and made possible what we behold to-day—a Bible-reading, law-abiding, and liberty-loving people wherever a Welsh community is found.

"The spirit of St. David was transplanted to America in its earliest period, and inspired Roger Williams, who was born in Wales, to establish the first democracy in this country at Providence 140 years before the Declaration of Independence. The religious freedom we enjoy to-day in this country is due in a great measure to this valiant Cymro and humble Christian, who was compelled to leave Great Britain because he had the moral courage to preach the truth. The benevolent spirit of St. David is further illustrated in the life, acts, and deeds of another illustrious son of Cambrian origin, William Penn. No two men have contributed more in paving the way for American freedom than these two men, whose patriotism was kindled at the altars of the early Britons.

"From the day Captain Jones landed the Pilgrim Fathers who came over on the *Mayflower*, four of whom were true Cambrians, the Welsh have been dominant factors in the development of America. As Senator JOHN SHARP WILLIAMS stated in the Senate of the United States, 'No nation, in proportion to its population, has contributed more to the civil, religious, and industrial development of America than the Welsh.'

And this statement is based on facts, as attested in the part the Welsh people played in those days that tried men's souls—the revolutionary days. The man who wrote the Declaration of Independence—Thomas Jefferson—but reiterated the quintessence of what St. David preached in the sixth century when he declared that 'rebellion to tyrants is obedience to God.' His ancestors, who breathed the religious freedom of Wales in the very shadow of the mighty Snowden, the highest mountain in Great Britain, transplanted the seed to Virginia. Like the cedar of Lebanon of old, its roots scattered and twined themselves around the everlasting Rock of Ages, which weathered all storms, and proclaimed 'Liberty throughout the land unto all the inhabitants thereof.'

"While the author of this immortal document was a man who boasted of his Cymric ancestry, it is a matter of record, as verified in documents in Independence Hall, that he was but one of 18 men of Welsh blood who signed the Declaration of Independence, and I challenge any nation to produce so proud a record. The ground on which Independence Hall is located was formerly owned by a Welshman. Time will not permit me to enumerate all, but we must mention John Hancock, who presided at the convention when the Declaration of Independence was proclaimed; Samuel and John Adams, Francis Lewis, Stephen Hopkins, and William Williams, Lewis Morris, and John Penn, the three delegates from New York State, and that valiant patriot from Pennsylvania, Robert Morris, who placed his fortune on the alter of freedom that the fires of liberty might not be quenched.

"Two of those who affixed their signatures to that document which blazoned to the world a standard of government based upon the consent of the governed, were natives of Wales. They were Francis Lewis and Button Gwinnett.

"Washington publicly and repeatedly proclaimed his gratitude to Robert Morris, the financier of the Revolution. Upon the shoulders of that sturdy, thrifty Welshman rested the whole burden of supplying funds for the Revolutionary Army in the darkest days of its struggle. While Washington was huddling his wearied, war-racked little force in the snow-bound huts of Valley Forge it was Robert Morris who, with his private fortune, rescued the patriots from despair and destruction. While the bare and bleeding feet of the Continentals stained the winter snows as they crept, famished and in tatters, about that miserable encampment, it was Robert Morris who tramped the streets of Philadelphia pledging his personal credit and borrowing the credit of his friends to bolster up the falling fortunes of the embryonic American Republic. While men of more timid mold withheld their hands from the cause of the Revolution, which they believed was tottering to its fall, Robert Morris, single-handed, supplied the food, clothing, and munitions which kept Washington's little army in the field. After independence had been won, won because of the aid which Morris lent, estimated to be $3,000,000, the financier of the Revolution, ruined by the advances he had made, spent three years in a debtor's prison in Philadelphia. Broken in health and spirit, the creditor of a forgetful Republic died in abject poverty. It is more than 100 years since Morris died, but the State of Pennsylvania has recently provided for a monument to commemorate his vital services to the young Republic. It is time the gratitude of the Nation to this Welsh martyr on the altar of American independence was fittingly evidenced. It is time that the whole United States atoned for more than a century of ingratitude to Robert Morris. It is time that there was erected in the Capital of the Nation a fitting memorial to the financier of the Revolution, whose unselfish devotion made American independence possible.

"In the Revolutionary Army Wales is worthily represented by 14 generals and 7 colonels, the most worthy of whom was 'Mad Anthony' Wayne, who captured Stoney Point by storm and filled the country with joy and admiration. He lies buried at St. Davids Church, within 17 miles of Independence Hall, but I question whether a worthy monument marks the sacred spot where he sleeps. Dr. John Morgan, the founder of the Philadelphia Medical School, was surgeon in chief of the American Army, and among the chaplains who looked after the spiritual welfare of the soldiers were three Welsh divines.

"Daniel Morgan, another Welshman, led that brigade of Virginia riflemen upon whom Washington placed great responsibilities. It was his cooperation with Greene in the campaign in the South which made possible the final triumph of the Revolutionary arms at Yorktown.

"How many Welshmen were in the rank and file of the Army of Washington is conjectural. But we can rest assured that the land that fostered freedom for ages contributed its quota. Its sons were found where the fighting was hottest, and to their everlasting credit it may be said that history does not record that one of them ever proved a traitor.

"From Captain Jones, of the *Mayflower*, to David Wark Griffith, the greatest motion-picture producer in the world today, the Welsh have played a great part in the development and growth of America. They were among the first to cross the Allegheny Mountains, and the first white child born west of the Allegheny Mountains was a little Welsh girl named Jones, who first saw the light of day in a log cabin on the banks of the Ohio River.

"Descendants of our good old patriarch have also occupied the presidential chair at Washington, including Jefferson, Adams, Monroe, Harrison, Lincoln, and Garfield. Despite that Washington, "the Father of his Country," occupied a singularly warm spot in the heart of America, it is a debatable question whether the warmth of the admiration exceeds that shown toward the great emancipator, Abraham Lincoln, who was Welsh on his mother's side. Our veneration for this great and illustrious exponent of liberty and freedom is like good wine, it improves with age. He was a much-maligned man in his day, and his enemies were numberless. Like, the Rock of Gibraltar, he stood surrounded when conscience dictated that man, despite his color, was created in the image of his Creator, and as such was privileged to enjoy that heavenly birthright, freedom. Search where you will, the world does not reveal his equal as an exponent of true civic and religious liberty. Though killed by an assassin's bullet, the spirit of this man among men, like that of old St. David, still lives and is an incentive to you and me to emulate his example and to cultivate that spirit of fairness and freedom that best reflects the God-given heritage to mankind.

"On the other side of that great conflict through which Lincoln safely steered the Nation there stood another Welshman. As a simple captain he halted the advance of the Mexican lancers at the Battle of Buena Vista and turned the tide of a battle that was decisive in our war with Mexico. Later he became a great Secretary of War. Still later he sacrificed his career to his convictions, and as President of the Confederate States he led the South in its struggle for a mistaken principle. He was Jefferson Davis, truly Welsh in his devotion to his cause.

"Turning from the fields of war to the fields of peace, we find the Welsh in America laying the foundation for the American system of education, the greatest in the world to-day. Hear the roll of honor: John Harvard, who founded Harvard College; Elihu Yale, who founded Yale University, and who to-day sleeps in a churchyard in North Wales; the Rev. Morgan Edwards and Dr. Samuel Jones, who established Brown University; and Colonel Williams, whose name lives on in Williams College. The great Phillips Academy at Andover, Mass., was founded by John and Samuel Phillips in 1878, and two years later John Phillips founded the Phillips-Exeter Academy. Every one of these great institutions lives to-day, a great monument to the services of the early leaders of the Welsh in America.

"Should we be permitted to deal with the present statesmen and diplomats of the present day we might refer to one who is playing a conspicuous part in the present administration—Charles Evans Hughes, the ex-president of the St. David's Society of New York and the son of a Welsh clergyman, whom some of you perhaps have heard in the Welsh churches of Pennsylvania and who preached in my native city, Tredegar. He is also imbued with that spirit of fairness and freedom that characterizes him as a man of keen and sound judgment, and with him at the helm our ship of state is in safe hands. Time will not permit me to mention the many Congressmen and Senators, members of State legislatures, and county and municipal governments who trace their ancestry to the little country of Wales.

"Before closing let us refer to one more son of 'gallant littie Wales,' who is to-day perhaps the foremost defender of the faith of his fathers, whose unyielding courage in the darkest days of the late bloody war saved the freedom and civilization of the world. Emerging from a remote little village in north Wales, reared, like Abraham Lincoln, amid poverty and privation, when half an egg on Sunday was a feast to him, schooled in his youthful days by the village shoemaker, and acquainted with the grief that was the lot of those who were at the mercy of the merciless and arrogant land master, he climbed by sheer force to a position that dethroned despots and made kings tremble with fear. Though he has wielded a mightier scepter than that of a king, he, like the great emancipator that he patterns after, finds his greatest solace among the common people from which he was molded. Like Lincoln of old, when perplexed with problems of world-wide importance, he found his

greatest relaxation not among the glittering throngs that congregate in palaces but in an obscure little Welsh church, among the countrymen of those who kept the religious fires burning for ages, where his sonorous voice blended with the common people in singing those glorious Welsh hymns that proclaim to the world that freedom of conscience and liberty of speech that is the heritage of free-born people. As long as Wales continues to rear sons of the caliber of this modern son of St. David freedom will never perish, for he has embodied, as no other has, the attributes that contribute toward the making of a life that is worth living. Perhaps some day historians will appraise him at his true worth, and when they do he will be adjudged the most spectacular figure of this age. In a world strewn with wreck, when thrones crumbled and empires quaked, this countryman of ours, this gallant son of Wales, David Lloyd-George, pointed the way to that port where only safe refuge is found.

"The pages of America's history are blazoned with the honors that have been won in America by the sons of Cambria. The virtues which they brought from the hills and vales of Wales have contributed no small share in the development of American character and American progress. Accustomed to wrest with mighty labor a livelihood from nature in her stubbornest mood, they have brought to this country the dogged determination developed in centuries of earnest toil. Wherever in America nature has put forth her most powerful obstacles to the development of our resources, there you will find the Welsh. Wherever progress must come through hand-to-hand conflict with the primeval forces of earth, you will find the sons of Cambria foremost in this conflict. Deep in the gloomiest pits, they tear from nature's heart the coal that keeps America's millions of factories writing in smoke clouds across the sky the tale of industrial prosperity. With infinite labor they wrest from the confining rock the mineral wealth which past convulsions have imprisoned far beneath the soil. In roaring furnace and mill they wrestle with the familiar demons of iron and steel, and by sheer force of skill and muscle bend them to their will. Into the iron and steel that form the very bones of America's prosperity, frames of tall buildings that reach for heaven's height, rails that carry the thundering commerce of a continent, steel ships which go down to the seven seas, is wrought the very heart and soul and body of the Welsh in America. No man can fail to recognize the mark of the solid Welsh virtues in the growth of this Nation.

"But their material service, although great, has not been their greatest service. No nation on earth has contributed more to the development of the spirit, the soul of America. The Welsh brought from their iron-bound hills to this country a religious fervor, a love of home, a love of music, an honest thrift, a heartfelt devotion to liberty under the law which has wrought itself into the very heart of the Nation.

"They more than any other group have caught the spirit of American institutions, the ideals of political, social, and economic liberty for which the forefathers of this country fought and died. The Welsh come to America to become true Americans. To-day they lead all nationalities in this country in the proportion of aliens who become citizens. Nearly 75 per cent of the aliens in America who were born in Wales are to-day naturalized citizens. This is a record no other nationality can boast. It is an index of the Welsh love for the equality of opportunity—the rights of the individual—which are vital in American institutions.

"We are to-day confronted with a serious problem in our alien population. We have 14,000,000 foreigners in America, 7,000,000 of whom are living among us without assuming the duties and responsibilities of American citizenship. We propose to enroll these aliens, to take an annual census of them, in order to provide for them the opportunity to learn what American means and what the privileges and duties of American citizenship are. We propose to Americanize the alien before he alienizes America. We propose to make him a citizen if he proves worthy of citizenship, and to send him whence he came if he proves unworthy. We propose to make easy the way to citizenship which has been traveled by 75 per cent of the Welsh-born inhabitants of this country.

"Never was America more in need of the sturdy, homely Welsh virtues than it is to-day. Evils arise around us and about us which will overwhelm and destroy us unless they are met by the stalwart heart of America in the spirit of honesty and honor.

"A blatant and cynical immorality is raising its head among us and it must be conquered by that grave respect for the sanctity of the home, the inviolability of the marriage tie, which is inborn in the Welsh character. We must drive home to all America that the honor of the individual is the honor of the family, and the honor of the family is the honor of the State. We must sanctify our family life, for no nation can long endure which is based upon a foundation of broken families.

"From all the world there arises a miasma of foul political, economic, and social doctrine which breeds a fever of revolt against all law and order, a plague of hate and destruction. New and strange gospels based on selfish desires and personal greed are preached by new and strange apostles of discord. We live in a world of strife, and strange forces are moving nations toward chaos.

"In this new conflict America must hold fast to those eternal principles of right and justice laid down in our fundamental laws. American citizenship must have behind it, then, virtues of honest patriotism, love of liberty, and respect for law. We must stand firm on the principles enunciated at the birth of the Republic, the protection of life and property, the right of contract, and the right of free labor. We must pledge ourselves that representative government shall endure. We must summon to our aid those homely virtues that were summed up by the ancient Druids and by St. David in the motto of the Gorsed: 'Y Gwir yn erbyn y byd.'—'The truth against the world.'"

Mr. GARRETT of Tennessee. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Speaker and gentlemen, I sent to the library for a book of fables by a famous fabulist. I read it many years ago, and I am not sure that I remember the particular fable I have in mind. The fable is something like this: A mule, a goat, an ape, and a bear decided to organize a musical concert. The mule was the leader of the orchestra. After they had proceeded for some time they all reached the conclusion that the music was bad even for their unmusical ears and a motion was made that the orchestra be reorganized and that instead of the mule acting as leader the bear should assume charge of the situation. The bear assumed charge of the orchestra. They again held forth to the distress of all who heard them. The suggestion was then made that instead of sitting in a circle they should form a straight line. Many another change was made, but there was neither melody nor rhythm nor harmony. A passing nightingale was called in for advice. The advice was brief and to the point. "Friends, no matter what your sitting arrangements may be, you are not fit as musicians."

You have created a commission to reorganize the various branches of the administration, with the object of eliminating overlapping and duplication of authority and doing away with waste. With the principal offices at the mercy of the spoils system, with the most important positions being distributed not on the basis of merit but as rewards for political lieutenants, how can waste, inefficiency, and duplication be successfully avoided? The commission has not accomplished anything. It has been in existence more than two years without bringing any definite results. There is nothing to be gained by continuing this committee. There is no reason in the world why the time of the House should be wasted, with so many important matters pending, such as the teachers' pay bill, in which the gentleman from Texas [Mr. BLANTON] is interested and a number of other good people are interested, the reclassification bill, the nitrate bill, and similar measures. With the large number of serious and important measures pending and not enacted, what is the use of wasting time with a committee that can not, in spite of the high character of the gentlemen composing it, possibly accomplish anything of value? I hate to say anything disagreeable in the expiring moments of a Congress, but I could not think of anything more apropos than that fable when I read the resolution.

Mr. BLANTON. Unless we pass this resolution there might be a little money left in the Treasury that otherwise might not be spent. [Laughter.]

Mr. LONDON. They have not done anything, and they do not expect to do anything. This Congress has been busy with bills with big titles and little meaning. Take, for instance, the maternity bill. In that bill there is nothing in the world that would help a mother any more than there would be in a bill relating to trade with China; yet they call it a maternity bill. [Laughter.]

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. LONDON. Yes.

Mr. COOPER of Wisconsin. Does the gentleman know how many meetings this commission has had, as a commission, to do business in the first year?

Mr. LONDON. I assume that the meetings were along the line of the orchestra that I have just described. [Laughter.]

Mr. COOPER of Wisconsin. I have heard it said authoritatively that they had only one meeting in a year.

Mr. LONDON. Well, they will have another in 1924, and in 1924 they will present another resolution at the last moment, extending the time to 1927. [Laughter and applause.]

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. GARRETT of Tennessee rose.

The SPEAKER pro tempore (Mr. CAMPBELL of Kansas). The gentleman from Tennessee is recognized.

Mr. GARRETT of Tennessee. Mr. Speaker, when the movement began to have an investigation by a congressional committee of questions relating to a reorganization of the executive departments, which movement was initiated by the gentleman from Virginia [Mr. MOORE] and later joined in by the gentleman from Nebraska [Mr. REAVIS], I was in entire sympathy with it, and as a member of the Committee on Rules and a member of the House gave it my sympathetic and earnest support.

That resolution was passed in December, 1920, shortly before the adjournment of the Sixty-sixth Congress. On March 4, 1921, a new administration came into power, and one of the first acts of the President of the United States was to request—I am not sure but that he put it in the form of a demand—that he should be permitted to appoint a gentleman of his own selection as a member of this committee, with a view to his becoming the chairman of the committee.

When that occurred, I am frank to say, I began to lose interest in the movement. The President of the United States ought never to have made such a request. [Applause.] The Congress of the United States ought never to have abased itself by acceding to such a request. [Applause.] There has been no other instance that I know of in which the Executive has requested or in which there has been granted to him the power to appoint the chairman of a congressional committee.

I do not know how efficient Mr. Brown is. He may be one of the most efficient men in the United States, so far as I know; but I do know this, that however ingenious my friend from Pennsylvania [Mr. TEMPLE] may be in his replies to the gentleman from Alabama [Mr. BANKHEAD] that congressional committee has never functioned a day since the Chief Executive laid his hand on it and put Mr. Brown in charge as chairman.

If this committee needs expert aid, there would be no objection to giving it the means to employ that expert aid. If they should desire to employ Mr. Brown, regarding him as an expert, that would be satisfactory. But when you permit the President to come into the legislative branch and appoint the chairman of a committee created by the legislative branch and then pay that man his salary, as it is being paid, out of the contingent funds of the House and Senate, you are treading upon extremely dangerous ground.

Why should the President have any more right to appoint the chairman of this committee created by the Congress, created by the legislative branches themselves, than he would have to appoint the chairman of the Committee on Ways and Means or the chairman of Appropriations? Unless Mr. Brown has ability higher than the ability which the Members of the Senate themselves have the President added nothing to the ability of the committee by appointing him as a member of it. No better commission from this House has been appointed in my time than was appointed on this commission, including as it does the gentleman from Pennsylvania [Mr. TEMPLE], studious, thoughtful, earnest; the gentleman from Virginia [Mr. MOORE], recognized everywhere as one of the ablest lawyers in the United States; and the distinguished and able gentleman from Washington [Mr. WEBSTER]. Certainly Mr. Brown, however able he may be, added nothing to their ability.

If gentlemen are willing to put this resolution in a form whereby it can be a committee of Congress and controlled by the Congress, having a membership all of whom are responsible to the Congress, there will be no objection to it, I think, on the Democratic side of the House. [Applause.] But so long as you choose to make its work a farce by permitting the President to appoint its chairman I shall continue to resist it. A bad precedent was fixed. There is an opportunity now to correct that error. The independence of the Congress, the different functions of the legislative and the executive branches of the Government, should be preserved. [Applause.]

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Pennsylvania [Mr. TEMPLE] to suspend the rules and pass the resolution.

Mr. TEMPLE. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. MOORE].

The SPEAKER pro tempore. The gentleman from Virginia is recognized for five minutes.

Mr. MOORE of Virginia. Mr. Speaker, I would say nothing about this matter except that I happen to be a member of the joint committee. There is force in much of what has been stated by my distinguished friend from Tennessee [Mr. GARRETT]. I was persuaded at the outset more than two years ago, and am still of opinion, that a good deal, perhaps a great deal, can be accomplished in the way of rendering the operations of the Government more efficient and less expensive by the reorganization of its departments and bureaus, and I think that is an opinion quite generally entertained. It seems to me it would be unfortunate not to carry on the effort that has been started in that direction. If this committee is not to be continued—and certainly I for one have no desire to engage in the very laborious work that will be incident to its continuance——

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. MOORE of Virginia. I will.

Mr. GARRETT of Tennessee. Is not the chairman of the committee relieving the gentleman of all the laborious work?

Mr. MOORE of Virginia. In a moment I will come to that. If this committee is not to be continued, I think some similar committee ought to be created. There is need to give more vigor to governmental activities and that is only possible by eliminating duplication and by regrouping where regrouping is desirable. My one dominating suggestion is that because there may be some discouragement, due to the fact that results have not yet been reached, the effort to secure a better condition should not be abandoned.

I said a moment ago that I concurred in much that had been said by the gentleman from Tennessee. I would like to say, although this is personal, that I did not seek a place on the committee.

Mr. Clark, who was the leader of the House at the time the committee was formed, mentioned the matter to me and desired to know whether if appointed I would serve, and I answered in the affirmative, and that was the extent of my relation to the matter of my selection.

All supposed as soon as the committee was created that it would at once take up the work and carry it on actively. There was a powerful public sentiment favoring that course, and I think the backing and support of that sentiment would have been of great value to the committee if it had immediately gone forward. It is undoubtedly true, as my friend from Tennessee has said, that except for the intervention of the Executive there would have been no delay, and I think it very probable that a report or reports of the committee would have been made to Congress before this time, and that would doubtless have happened except for the action of the committee itself in selecting Mr. Brown as its chairman.

The SPEAKER pro tempore. The time of the gentleman from Virginia has expired.

Mr. GARRETT of Tennessee. I will yield the balance of my time to the gentleman from Virginia.

The SPEAKER pro tempore. The gentleman is recognized for seven minutes.

Mr. MOORE of Virginia. It is lifting no veil of secrecy that ought to cover the history of the committee to say that the Senator who represents the minority and the Member of the House who represents the minority thought it was an ill-advised step to select an outsider, not a Member of either House of Congress, the chairman of the committee. Of course, when he was made chairman the committee was largely in his control and subject to such policy as he might advise.

He became chairman in the spring of 1921. In June, 1921, there was a meeting, the only meeting during that year. A letter was then presented from the President stating he would be glad to submit his suggestions to the committee and the committee replied that it would be glad to receive the suggestions of the President. Time passed—much time has passed since then—and only recently the chairman, who has been working apart from and independently of the committee, has submitted a plan, or rather it is submitted by the President. It has reached the committee within the last two weeks and is covered, I believe, in a document printed under the order of the Senate. That is what has happened and the committee is now ready to take up the work which it should have engaged in actively heretofore. Whether the plan submitted is wise or unwise I can not say. I do not undertake to prejudge it.

It may be wise in some respects and not wise in other respects. It has got to be considered in general and in detail by the committee, if the committee is continued in existence. The plan is in the hands of the committee and the committee later on, if it is continued—I do not know how soon, but as soon as practicable—will take up the plan, hold hearings, so as to furnish an opportunity to all who desire to be heard, and

reach conclusions after canvassing the whole subject to the extent of its ability.

I can not answer and I do not think those of the majority can answer the criticisms made by the distinguished gentleman from Tennessee. But aside from those criticisms I repeat it would be unfortunate to take any step now which would advertise to the country and which would mean that we are going to make no further effort to bring about a more efficient and less expensive organization of the Government services. [Applause.]

Therefore, while I greatly regret to be compelled to differ with my valued friend, the leader of the minority, and perhaps with most of the gentlemen who sit about him, I believe we can better afford to make some sacrifice in the way of retaining an outsider in his connection with the committee and paying the comparatively small amount which that will involve, than to take the alternative course and abandon the entire project.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. COOPER of Wisconsin. I notice the last line of the resolution provides that the term of service of the committee shall be extended to July 1, 1924, a year from next July. Already it has been in existence approximately two years.

Mr. MOORE of Virginia. Yes.

Mr. COOPER of Wisconsin. That would make three years and a half. Does the gentleman think there is any necessity now that a plan has been submitted to provide that it shall be considered for a year and a half?

Mr. MOORE of Virginia. There must be hearings, and Congress is about to adjourn.

Mr. COOPER of Wisconsin. The Congress is about to adjourn and every member of the committee has been reelected to serve in the next Congress.

The SPEAKER pro tempore. The time of the gentleman from Virginia has expired.

Mr. TEMPLE. Mr. Speaker, I yield the gentleman one minute more.

Mr. COOPER of Wisconsin. Why can not that committee get together before next December when the Congress comes into session again? Why can not the work be done during the summer?

Mr. MOORE of Virginia. I would be willing to do that, but perhaps there are members of the committee who would be unwilling. Some of them are from sections remote from Washington and might find it most inconvenient to be here in the vacation of Congress.

I want to say this in conclusion: The position which I am taking, as I understand, is the position taken by all of the members—the two Republicans and one Democrat—who represent the Senate on the committee, for only the other day the Senate by a unanimous vote passed this resolution which is under consideration here now. [Applause.]

Mr. TEMPLE. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Speaker, the statement of the gentleman from Virginia [Mr. MOORE] that public sentiment is strongly backing a reorganization of the executive departments is a statement of fact that anyone who has followed the matter will recognize at once. For years preceding the effort here there has been great concern about eliminating duplications in the executive departments. Much has been said about it and written about it. So far as the criticism about an outsider being associated with the joint committee is concerned, I really think that that criticism can easily be answered by a mere statement that the organization to be affected is the executive departments and not the legislative, and since it is the executive department that is to be reorganized, it seems to me proper—and that was the opinion of the House—to have some one identified with the Executive in close association in advice, so that the committee could have that angle as well as the legislative angle. I offer that as a reply to the strictures on putting some one on the committee not identified with the Congress.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. FESS. I yield to the gentleman.

Mr. GARRETT of Tennessee. Does the gentleman think that he ought to have been elected chairman of the committee?

Mr. FESS. If it were the judgment of the committee that he should be made the chairman, and the committee did make him the chairman, I think it would be entirely proper for him to be the chairman.

Mr. GARRETT of Tennessee. Does the gentleman think, in view of the fact that the gentleman who happens to be chairman of this committee failed to be elected Senator in Ohio, that it is the duty of Congress to furnish him with a salary?

Mr. FESS. I think that is hardly a fair reference to any of the gentlemen to whom the gentleman refers. Certainly no one would state that the gentleman who is the chairman is seeking a mere office. His tireless energy in readjusting these departments is a service which is vastly important. Therefore it strikes me that it is hardly fair to refer to the gentleman in that way. I think the gentleman from Virginia [Mr. MOORE] has put the whole thing in a nutshell. Here is a tremendous work, vastly important. Whether it took undue time to bring it to this stage or not, I do not know.

I know it is a tremendous work, and it has just now reached the stage where we are ready for hearings in order to complete it, and it would strike me that it is a very unfortunate position to take that with the work brought up to the moment when we can do something to eliminate duplication and save waste in behalf of efficiency we should now throw it all overboard and say that it is all behind us, that it is worth nothing, and therefore we will abandon the work. It can not be done in six months. It is impossible to do this short of the time requested in the resolution, and if it is worth anything, as I feel certain it is worth a vast amount to the country, then let us go on with the work and at least refuse to confess that the Government does not need a reorganization in the executive departments; and while we are doing it, let us accept the counsel of the head of the branch of the Government that is to be reorganized, because no one is more concerned in an efficient reorganization than is the President. For that reason, why not have a representative of the executive department on the committee?

Mr. TEMPLE. Mr. Speaker, I yield the remainder of my time to the gentleman from Wyoming [Mr. MONDELL].

The SPEAKER pro tempore. The gentleman from Wyoming is recognized for two minutes.

Mr. MONDELL. Mr. Speaker, I shall consume those two minutes merely to remind the gentleman from Tennessee [Mr. GARRETT] that the present President of the United States never issues orders, except as he may issue them as Commander in Chief of the Army and the Navy. The gentleman from Tennessee must have been thinking of another administration when things were somewhat different.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. GARRETT of Tennessee. President Wilson never sought to appoint our committees or our chairmen.

Mr. MONDELL. As was entirely proper, the President of the United States suggested that as this is a matter in which the executive departments are very greatly interested, one might I think almost say primarily interested, it is of the utmost importance that there be some one representing the Executive view; but the chairman of a committee does not run a committee like this. He is merely the moderator, and the men that the House and the Senate have placed on this committee will, of course, determine and decide what is to be done.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Pennsylvania to suspend the rules and pass the Senate joint resolution.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds having voted——

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for a division.

The House again divided; and there were—ayes 114, noes 27.

Mr. GARRETT of Tennessee. Mr. Speaker, I object to the vote because there is no quorum present.

The SPEAKER pro tempore. The gentleman objects to the vote because there is no quorum present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 167, nays 75, not voting 184, as follows:

YEAS—167.

Ackerman	Brooks, Pa.	Cooper, Ohio	Favrot
Anderson	Burdick	Crago	Fess
Andrew, Mass.	Burtness	Cramton	Fish
Andrews, Nebr.	Butler	Dallinger	Fitzgerald
Appleby	Campbell, Kans.	Darrow	Focht
Bacharach	Campbell, Pa.	Dempsey	Fordney
Barbour	Cantrill	Dowell	Foster
Begg	Chalmers	Dunn	Free
Bixler	Chindblom	Echols	French
Blakeney	Christopherson	Edmonds	Frothingham
Bland, Va.	Clarke, N. Y.	Elliott	Fuller
Bond	Clouse	Evans	Gensman
Bowers	Cole, Iowa	Fairchild	Gernerd
Britten	Colton	Faust	Glynn

Graham, Ill.	Kopp	Newton, Mo.	Stephens
Green, Iowa	Kraus	Norton	Strong, Kans.
Greene, Mass.	Kreider	Parker, N. J.	Strong, Pa.
Greene, Vt.	Lazaro	Parker, N. Y.	Sweet
Griest	Lea, Calif.	Paul	Taylor, N. J.
Hadley	Lee, N. Y.	Perkins	Temple
Hardy, Colo.	Lehlbach	Perlman	Thompson
Haugen	Lineberger	Petersen	Tilson
Hawley	Little	Porter	Timberlake
Hersey	Logan	Radcliffe	Tincher
Hickey	Lowrey	Reber	Tinkham
Hicks	Luce	Reed, N. Y.	Underhill
Hill	McKenzie	Reed, W. Va.	Vaile
Hoch	McPherson	Ricketts	Vestal
Hogan	MacGregor	Roach	Voigt
Huck	MacLafferty	Robertson	Volk
Humphrey, Nebr.	Magee	Robsion	Volstead
Husted	Mapes	Rogers	Walters
Ireland	Michener	Rossdale	Ward, N. Y.
James	Miller	Sanders, Ind.	Wason
Johnson, Wash.	Mondell	Scott, Tenn.	Webster
Kelly, Pa.	Moore, Ohio	Shaw	White, Kans.
Ketcham	Moore, Va.	Siegel	Williams, Ill.
Kiess	Moores, Ind.	Sinnott	Williamson
Kissel	Morin	Smith, Idaho	Winslow
Kleczka	Murphy	Speaks	Wyant
Kline, Pa.	Nelson, Me.	Sproul	Young
Knutson	Newton, Minn.	Stafford	

NAYS—75.

Abernethy	Davis, Tenn.	Jones, Tex.	Rucker
Aswell	Deal	Kincheloe	Sabath
Bankhead	Dominick	Kunz	Sandlin
Barkley	Doughton	Lankford	Smithwick
Bell	Drewry	Larsen, Ga.	Stevenson
Black	Driver	London	Sumners, Tex.
Blanton	Dupré	Lyon	Swank
Bowling	Fisher	McDuffie	Tague
Box	Fulmer	McSwain	Taylor, Colo.
Briggs	Garrett, Tenn.	Mead	Ten Eyck
Buchanan	Gilbert	O'Brien	Tillman
Bulwinkle	Goldsborough	Oldfield	Tucker
Byrnes, S. C.	Griffin	Oliver	Turner
Byrns, Tenn.	Hammer	Quin	Tyson
Carew	Hooker	Rainey, Ill.	Upshaw
Collier	Huddleston	Raker	Vinson
Collins	Hudspeth	Rankin	Wise
Connally, Tex.	Jeffers, Ala.	Riordan	Wright
Crisp	Johnson, Ky.	Rouse	

NOT VOTING—184.

Almon	Frear	Leatherwood	Rodenberg
Ansorge	Freeman	Lee, Ga.	Rose
Anthony	Funk	Linthicum	Rosenbloom
Arentz	Gahn	Longworth	Ryan
Atkeson	Gallivan	Luhring	Sanders, N. Y.
Beck	Garner	McArthur	Sanders, Tex.
Beedy	Garrett, Tex.	McClintic	Schall
Benham	Gifford	McCormick	Scott, Mich.
Bird	Goodykoontz	McFadden	Sears
Bland, Ind.	Gorman	McLaughlin, Mich.	Shelton
Boies	Gould	McLaughlin, Nebr.	Shreve
Brand	Graham, Pa.	McLaughlin, Pa.	Sinclair
Brennan	Hardy, Tex.	Madden	Sisson
Brooks, Ill.	Hawes	Maloney	Slemp
Brown, Tenn.	Hayden	Mansfield	Smith, Mich.
Browne, Wis.	Hays	Martin	Snell
Burke	Henry	Merritt	Snyder
Burton	Herrick	Michaelson	Steagall
Cable	Himes	Mills	Stedman
Cannon	Hukriede	Montague	Steenerson
Carter	Hull	Moore, Ill.	Stiness
Chandler, N. Y.	Humphreys, Miss.	Morgan	Stoll
Chandler, Okla.	Hutchinson	Mott	Sullivan
Clague	Jacoway	Mudd	Summers, Wash.
Clark, Fla.	Jefferis, Nebr.	Nelson, A. P.	Swing
Classon	Johnson, Miss.	Nelson, J. M.	Taylor, Ark.
Codd	Johnson, S. Dak.	Nolan	Taylor, Tenn.
Cole, Ohio	Jones, Pa.	O'Connor	Thomas
Connolly, Pa.	Kahn	Ogden	Thorpe
Cooper, Wis.	Kearns	Olpp	Towner
Copley	Keller	Overstreet	Treadway
Coughlin	Kelley, Mich.	Paige	Ward, N. C.
Crowther	Kendall	Park, Ga.	Watson
Cullen	Kennedy	Parks, Ark.	Weaver
Curry	Kindred	Patterson, Mo.	Wheeler
Dale	King	Patterson, N. J.	White, Me.
Davis, Minn.	Kirkpatrick	Pou	Williams, Tex.
Denison	Kitchin	Pringey	Wilson
Dickinson	Kline, N. Y.	Purnell	Wingo
Drane	Knight	Rainey, Ala.	Wood, Ind.
Dunbar	Lampert	Ramseyer	Woodruff
Dyer	Langley	Ransley	Woods, Va.
Ellis	Lanham	Rayburn	Woodyard
Fairfield	Larson, Minn.	Reece	Wurzbach
Fenn	Lawrence	Rhodes	Yates
Fields	Layton	Riddick	Zihlman

So, two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

The Clerk announced the additional pairs:

Until further notice:

Mr. Longworth with Mr. Lee of Georgia.
Mr. Paige with Mr. Sears.
Mr. Woodruff with Mr. Carter.
Mr. Kendall with Mr. Weaver.
Mr. Fenn with Mr. Garrett of Texas.
Mr. Burton with Mr. Pou.
Mr. Lampert with Mr. Sisson.
Mr. McLaughlin of Michigan with Mr. Fields.
Mr. Graham of Pennsylvania with Mr. Hayden.
Mr. Merritt with Mr. Steagall.
Mr. Shreve with Mr. Woods of Virginia.
Mr. Madden with Mr. O'Connor.
Mr. Langley with Mr. Drane.
Mr. Dickinson with Mr. Hardy of Texas.
Mr. Beedy with Mr. Gallivan.
Mr. Boies with Mr. Humphreys of Mississippi.
Mr. Rhodes with Mr. Wilson.
Mr. Cole of Ohio with Mr. Mansfield.
Mr. Browne of Wisconsin with Mr. Stedman.
Mr. Ransley with Mr. Sanders of Texas.
Mr. Purnell with Mr. Linthicum.

The SPEAKER pro tempore. A quorum is present; the Doorkeeper will open the doors.

CONFERENCE REPORT—CREDITS AND REFUNDS.

Mr. GREEN of Iowa. Mr. Speaker, I desire to present a conference report for printing under the rule.

The SPEAKER pro tempore. The gentleman from Iowa presents a conference report on a bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 13775) to amend the revenue act of 1921 with respect to credits and refunds.

The SPEAKER pro tempore. Ordered printed under the rule.

TRIBUTE TO HON. W. BOURKE COCKRAN.

Mr. SIEGEL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the life and work of the late Hon. W. BOURKE COCKRAN.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to is here printed in full as follows:

Mr. SIEGEL. Mr. Speaker, in the fall of 1894 I had the pleasure of meeting the man who was later to become New York's and, in fact, America's leading orator of the present generation, Hon. W. BOURKE COCKRAN. I was a school boy then, and when a couple of weeks later my then school teacher, now associate superintendent of schools of New York City, Dr. William J. O'Shea, asked our class to write an essay on the three men best known in public life, I included the late Speakers Crisp, Reed, and our lamented friend W. BOURKE COCKRAN. Many times later, and particularly the time when I was first nominated for Member of the House of Representatives in 1914, he encouraged me in the ambition which he knew I had, to become a Member of the House before I was 35 years of age. Few men were gifted as he was. His fluency of language, depth of thinking, his wide knowledge of the history of the world and of its literature, stamped him as the exceptional man in America, because this country of ours was his adopted land. He feared no man. He showed his grit and courage by opposing the nomination for President of Grover Cleveland. He again displayed it when he refused to support Hon. William Jennings Bryan in 1896, and rallied to the cause of sound money. A year ago last Lincoln's Birthday, at my request, he delivered an address on the life, character, and accomplishments of Abraham Lincoln at the Institutional Synagogue Auditorium, of which I have the honor to be president. He held spellbound for over an hour and twenty minutes an audience of over 1,000 people. His hold on the people in New York City was seen that evening, when they came, regardless of a terrible snowstorm, which was accompanied by a terrific gale.

Many addresses have been delivered on Lincoln, but no man portrayed his character to the full extent which W. BOURKE COCKRAN could and did. Volumes of praise will undoubtedly be sounded in the next few months by all those who knew him, and columns of comment on his most extraordinary career will be printed. He was a real American in all that the word implies. He never forgot that he had come to this country from Ireland when young in years and received all that America could give him in honor and fame, because he recognized his full obligations to this Republic of ours. He fought for the immigrant with all the strength at his command. He recognized that if the spirit of intolerance was permitted to grow here that it would bring division amongst loyal American citizens. He foresaw, as we have all recognized, that the only solution for many of the ills which nations are suffering is work and work only. Busy hands and busy minds keep individuals as well as nations out of trouble. He knew that he had won his success through the hardest kind of energetic work. He also bore in mind that it was the only way for any individual to attain his goal. We New Yorkers, where he lived and grew greater year by year, will miss him. His passing away

leaves a void in our city which for many years it will be impossible to fill. The Nation has lost a faithful public servant, a lawyer of eminence, and a statesman of real courage.

Mr. Speaker, practically all the newspapers of the United States have paid him glowing tributes. I feel, however, that the account of his leaving us, together with the editorial comment of the New York Times, the Washington Star, and Washington Post, just about express the deep affection and love with which he was held, not only by those of his own political faith, but by men and women of all faiths and factions. These articles are worthy of preservation for future posterity, and I therefore quote them in full.

[From the New York Times, March 2, 1923.]

W. BOURKE COCKRAN DIES AFTER ORATION—STRICKEN AT 69TH BIRTHDAY CELEBRATION FOLLOWING SPEECH IN HOUSE—LAST WISH UNFULFILLED—BLEW OUT 69 CANDLES ON CAKE, THEN EXPRESSED HOPE HE WOULD LIVE MANY YEARS.

(Special to the New York Times.)

WASHINGTON, March 1.—Representative W. BOURKE COCKRAN, of New York, one of the most eloquent orators in the House of Representatives in recent years, died this morning after a stroke of apoplexy.

Mr. COCKRAN was stricken shortly after 1 o'clock this morning after celebrating his 69th birthday at a dinner attended by a number of friends. The celebration was a double one, as it was the natal anniversary of Salisbury Field, his house guest.

Mr. COCKRAN was in excellent health and spirits during the dinner, but he seemed to be rather nervous. He appeared at the dinner after making an earnest speech of 45 minutes in the House against the rural credits bill. His speech was delivered about 6.45, and when he ended Mr. COCKRAN told one of his colleagues that he had the greatest difficulty in making it because of lack of preparation and the complexity of the subject. His physicians believe that this effort contributed to his death, as he had been warned against exercising his old-time vigor in his speeches. This he disregarded and was never more vehement than in his attack against the banking evils set up in the bill.

Two birthday cakes were placed on the dinner table last night, one for Mr. COCKRAN, the other for Mr. Field. Mr. COCKRAN succeeded in blowing out all the candles and "had his wish." As the flames flickered and his guests cheered Mr. COCKRAN turned to his guest at his right and said:

"I may tell you my wish. It is that I may live many years with my dear wife."

Two hours later Mr. COCKRAN was stricken as he was preparing for bed. Physicians were summoned, and while he was conscious for a few minutes, he died peacefully at 7.10 this morning.

LONGWORTHS AMONG CALLERS.

As most of the guests were leaving last night Mr. and Mrs. NICHOLAS LONGWORTH dropped in on the Cockrans to leave their birthday wishes, as has been their practice for many years, as the romance which united Alice Roosevelt and NICHOLAS LONGWORTH and Mr. COCKRAN and Miss Ide had its inception on the famous trip to the Philippines, when Secretary of War Taft in 1905 took a party abroad. Both Mr. COCKRAN and Mr. LONGWORTH, as Members of Congress, accompanied the party. At Manila Mr. COCKRAN met Miss Annie Ide, daughter of Henry Clay Ide, whose father was Governor General of the Philippines. A year later the wedding of both Members of Congress occurred and both families have been intimate ever since. Mr. LONGWORTH said that Mr. COCKRAN last night was in a happy spirit and he told many stories of the past days of their courtships period in the Philippines.

A statement issued by Mr. COCKRAN'S secretary said:

"Mr. COCKRAN had been feeling very well and working very hard. He made a speech in the House, and in the evening, it being his birthday, a few friends came in informally to dinner. He seemed in the best of health and spirits. He had been talking with Mrs. Cockran for about half an hour after the guests had gone, when, about 1 a. m., he suddenly said he had a terrible headache and soon after that became unconscious. Doctor Hardin immediately was summoned and the last rites of the Catholic Church were administered. Mrs. Cockran was at his bedside until he died."

A SHOCK TO THE HOUSE.

Mr. COCKRAN'S death came as a particular shock to the House, as his speech last night had made a strong impression on his colleagues. Mr. COCKRAN had planned to spend the rest of his life in Congress. He had made plans for taking the lead to revise the rules, and the Democrats were depending upon him in the next House to be one of their strongest advocates of reforms.

The House adjourned out of respect for his memory and appointed a committee to attend his funeral, which will be held at 10.30 Monday morning at St. Jean Baptiste Church, Lexington Avenue and Seventy-sixth Street, New York. The committee consists of Representatives RIORDAN, MOTT, LONDON, CAREW, SIEGEL, SULLIVAN, KLINE, GRIFFIN, TEN EYCK, FISH, MEAD, and FAIRCHILD, of New York; OLIVER, Alabama; CONNALLY and JONES, Texas; and SABATH, Illinois.

Representative FINIS J. GARRETT, Democratic leader, upon being informed of the death of Mr. COCKRAN, said:

"I am shocked almost beyond expression. Mr. COCKRAN has been not only a nationally known but an internationally known character for more than 30 years. He was one of the foremost orators of all the centuries. His political philosophy was broad and comprehensive, and his wonderful vocabulary and capability of expression enabled him to put his arguments in original and fascinating ways."

In his last speech, which he had not corrected, as was his invariable custom, Mr. COCKRAN inveighed against the rural credits bill and pleaded with his Democratic colleagues to vote against it. Among other things, he said in his speech, which probably brought on his attack:

"I am perfectly certain that my good friends around here are far from realizing the true character of this proposal. I know perfectly well that these Democrats would recoil from the idea of tolerating or encouraging a system by which one set of people are despoiled for the benefit of others. They have been very quick to denounce the ship subsidy bill, and I agree with them. This is exactly the same character as the tariff. There is no way which the Government can interfere in private business except to oppress it. I appeal to the gentlemen on both sides of the House to realize that Government never interferes with private business without disaster and that disaster is always brought about rapidly and of the most extensive character when it interferes with banking. Every attempt to enrich men by law means the despoiling of some for the benefit of others.

"God knows whether the world will succeed in freeing itself from the calamities that are multiplying around it and the dangers that are constantly increasing in its pathway; but if it is to escape it can be by one way only—and that is by the employment of every pair of human hands with active industry on the soil or some product of the soil. You can not induce the employment of human hands in industry unless you guarantee to every man the peaceful and secure enjoyment of all that he produces. When the day dawns that any number of citizens are taught to believe that there is a more rapid road to prosperity, to wealth, to the possession of capital, than the employment of industry and the exercise of self-denial, and that a more rapid way is through the Treasury, by the complacence of or the connivance of politicians, then the knell of this country's prosperity is sounded."

PUBLIC CAREER OF 40 YEARS.

One of the last of American political orators, as he was one of the greatest, W. BOURKE COCKRAN had a public career of nearly 40 years. Known as the "silver-tongued orator" of Tammany, he broke at least twice with that organization, once to support William McKinley, Republican, for President in 1896, and once to work for the election of Theodore Roosevelt, Progressive, to the Presidency in 1912.

The speech which many consider to mark the peak of his oratorical efforts—the sound money speech for McKinley in Madison Square Garden in 1896—was made while he was outside the Democratic organization, to which he gave his allegiance during most of his life. Among his other famous speeches that opposing the renomination of Grover Cleveland at the Democratic National Convention in 1892, a masterpiece of irony but unproductive of any results in the convention, was perhaps the best known.

Mr. COCKRAN'S brilliant speeches were numerous. Besides the two already mentioned those which were best known included his speech against Cleveland at the Democratic National Convention of 1884, when Cleveland was nominated for President and later elected, his "Gold Democrat" speech in Chicago in 1899 in a debate with William J. Bryan over standards of currency, his anti-Croker speech in the New York City Club on May 24, 1901, his pro-Irish speech before a committee of the United States Senate on August 29, 1913, his peace treaty plebiscite speech before the Cleveland Democracy in New York City of February 1, 1920, and his speech nominating Gov. Alfred E. Smith for Vice President at the Democratic National Convention at San Francisco in July of the same year.

HIS FIGHT AGAINST CLEVELAND.

Mr. COCKRAN was a delegate to the Democratic National Convention in 1884, and, like Kelly and the other Tammany delegates, was opposed to the nomination of Grover Cleveland for President. The convention was largely for Cleveland, and one Tammany speaker after another, with the exception of Kelly, who received a hearing, was howled down. When COCKRAN rose to speak he met a similar reception. He persisted and was able to make himself heard above the uproar. Interruptions became fewer and finally ceased. A round of applause when he had finished was evidence of his ability to speak in hostile surroundings.

In the turbulent scenes of the convention of 1892 Mr. COCKRAN also took a conspicuous part, and, although the Cleveland delegates were in the majority, Mr. COCKRAN'S eloquence obtained from them a respectful hearing when he spoke against the nomination of Cleveland.

CAME TO AMERICA WHEN A BOY.

Mr. COCKRAN was born in County Sligo, Ireland, February 28, 1854. His parents, who were in moderately prosperous circumstances, intended him for the church, but the career of a priest was not to his liking, and he came to the United States when 17 years old to seek his fortune.

Mr. COCKRAN'S first employment was as a clerk in the department store of A. T. Stewart. This, too, was distasteful to him and he became a tutor in a private school in Rutgers Street. Later he went to Tuckahoe as principal of a public school.

While teaching school, Mr. COCKRAN studied law. He was poor and could not then afford to buy the books he needed. During this period he made the acquaintance of Judge Abram R. Tappen, who took a fancy to the young Irishman and gave him access to his law library. Thus encouraged, Mr. COCKRAN worked the harder, teaching in the daytime and giving his nights to the study of law.

In 1876 he gave up teaching, was admitted to the bar and practiced for two years in Mount Vernon. He then moved to New York City and opened a modest law office on an upper floor of 178 Broadway.

For months Mr. COCKRAN was hardly able to earn more than enough to supply him with food and lodging. He had an easy audacity and a good nature that won him friends, among whom was Charles Strauss, who had a law office in the same building. Mr. Strauss had a client who had a friend accused of receiving stolen goods, and turned over the case to Mr. COCKRAN with the remark that if he could win it he would soon have a practice of $20,000 a year. Mr. COCKRAN did not win the case, as the evidence was too strongly against the accused, but he handled it ably, and went for a time into Mr. Strauss's office.

HE ENTERS POLITICS.

After that Mr. COCKRAN'S rise in his profession was rapid and he began to take an interest in politics. His eloquence was winning him friends among the politicians; the leaders of the Irving Hall Democracy, a faction opposed to Tammany, took him up and he attracted attention as spokesman of that organization at the Democratic State Convention at Albany in 1881. In the following year he was appointed counsel to the sheriff of New York County, a lucrative position.

John Kelly, then leader of Tammany, had watched COCKRAN'S progress with interest and in 1883 invited him to join the Wigwam. Kelly had a high opinion of COCKRAN'S ability and predicted a great future for him.

Mr. COCKRAN'S status as one of the leading orators of Tammany was fixed by his first Chicago speech. He was again appointed counsel to the sheriff during the incumbency of Hugh J. Grant. When Grant became mayor a little later he wanted to appoint Mr. COCKRAN corporation counsel but the latter refused that; later he declined the nomination for judge of the court of common pleas. Although active in politics, Mr. COCKRAN after his start was never an office seeker.

In 1886 Mr. COCKRAN was first elected to Congress, consenting to take the nomination largely because of the desire of the Tammany leaders to have a spokesman on the floor of the House of Representatives. Mr. COCKRAN was again elected to Congress in 1890 and 1892.

Because of his refusal to support Bryan, he left the party and it was not until he supported the latter on the issue of "imperialism" in the 1900 campaign that he was restored to party regularity. He was elected to Congress in 1904 to succeed George B. McClellan, who resigned to become mayor of New York City, and served until the end of 1909, having in the meantime broken with Charles F. Murphy, who had become leader of Tammany Hall.

There followed another period during which Mr. COCKRAN was out of the Democratic Party. Mr. COCKRAN, a personal friend of the late Theodore Roosevelt, joined the Progressive Party in 1912, campaigned effectively for Roosevelt, and ran unsuccessfully for Congress in the Nassau County district.

NAMED SMITH FOR VICE PRESIDENT.

Mr. COCKRAN, after a period of comparative political inactivity returned to the Democratic Party in time to nominate Governor Smith for Vice President at the Democratic Convention of 1920. He was nominated for Representative later that year in the sixteenth congressional district to succeed Thomas F. Smith, secretary of Tammany, who declined renomination. He was elected by about 5,000 plurality and was reelected last fall.

During his last period of service in Congress Mr. COCKRAN had been outspoken in his condemnation of the prohibition amendment and the Volstead law, which he characterized as "fanaticism gone mad." He led an unsuccessful attempt to write a wet plank into the Democratic platform at the San Francisco convention.

Mr. COCKRAN was a devout Roman Catholic and one of the most prominent laymen of that church in this country. The late Pope Leo XIII considered Mr. COCKRAN a friend and granted him repeated audiences. He held degrees from St. Francis Xavier's College, Georgetown University, Manhattan College, and St. John's College, Brooklyn.

COCKRAN was an outspoken opponent of divorce, which he characterized as "one of the worst blots upon our civilization." "If we are to choose between divorce and polygamy, give us polygamy," he said at one time.

Mr. COCKRAN throughout his public career had been the friend of organized labor, but always held that employer and employee could not prosper separately and at the expense of each other. He opposed compulsory arbitration, declaring it inconsistent with a condition of free labor.

Some of Mr. COCKRAN'S most ardent admirers were accustomed to style him the "greatest orator of the age." Whether this is true or not, he was undeniably effective. With a big head set upon broad, sturdy shoulders and of powerful physique, he had a commanding presence. His voice was clear and resonant and possessed just a tingle of Irish brogue. Burke was his favorite orator. After-dinner speaking he looked down upon as "vapid."

DEFENDED TOM MOONEY.

Although Mr. COCKRAN was best known as an orator, he was a lawyer of ability and distinction. In his early career he was counsel for the late Jacob Sharp, and more recently he defended Tom Mooney in the San Francisco bomb case.

Although thoroughly American, Mr. COCKRAN never forgot the land of his nativity and was always an advocate of Irish liberty. Many persons believed that it was largely through his efforts that the late King Edward signed the Irish land act, a great benefit to the people of Ireland, before his death 20 years ago.

Mr. COCKRAN was married three times. His first wife was the sister of the Reverend Father Jackson, who was pastor of St. Ann's Church in East Twelfth Street. His second wife was Miss Rhoda E. Mack, daughter of the late John Mack, a retired merchant.

His third wife, who survives him, was Miss Anne L. Ide, daughter of Gen. Henry C. Ide, former Governor General of the Philippines. Mr. COCKRAN was married to Miss Ide in November, 1906. Since their marriage, except for the time spent in Washington, Mr. and Mrs. COCKRAN have lived mostly at their home at Sands Point, L. I.

TRIBUTES OF PARTY LEADERS—ACTING MAYOR HULBERT, GOVERNOR SMITH, AND OTHERS COMMENT.

John R. Voorhis, Grand Sachem of the Tammany Society, ordered the flag on Tammany Hall to be placed at half-mast as soon as he heard of the death of Representative W. BOURKE COCKRAN. Mr. Voorhis, who is also president of the board of elections, said that no special election would be necessary to elect a successor, because the next session of Congress probably would not begin until after the regular election next November.

"I have known BOURKE COCKRAN for years," Mr. Voorhis said. "His great oratorial ability made him an invaluable asset in the cause of democracy. BOURKE COCKRAN was Grand Sachem of the Society of Tammany from 1905 to 1908. There will be a meeting of the regular organization on Monday, and no doubt resolutions will be passed expressing the sorrow of the organization for one of its most distinguished members."

Other expressions on Mr. COCKRAN'S death follow:

Acting Mayor Hulbert: "It was a great shock to the people of this city to learn to-day of the sudden death of Congressman W. BOURKE COCKRAN, who for 40 years has been a prominent figure in the life of this city and for the greater part of that time in the Senate and Nation. He is known throughout the country for his distinguished forensic ability, and the splendor of his diction, the richness and variety of his imagery, and the boundless store of knowledge which he displayed was equaled by few Americans. Mr. COCKRAN, in response to the appeals of his party to reenter public life in order that the country might avail of his great ability in the reconstruction period following the World War, was elected to Congress from the sixteenth district and died at the close of his present term."

Judge Alfred J. Talley, of the court of general sessions: "BOURKE COCKRAN was the foremost orator of our times. I know of no other man who had such control of the magic in music of the spoken word and his power never waned. He was never more eloquent than two weeks ago, when I heard him at the Catholic Club on Lincoln. He was a splendid gentleman of the highest probity and loftiest ideals. His death is indeed a loss to the country."

Justice Daniel F. Cohalan, of the supreme court: "In the passing of BOURKE COCKRAN there has been lost a man of rare personality, admirable qualities, and breadth of culture."

United States Senator-elect EDWARD I. EDWARDS, of New Jersey: "He was a broad-minded man of democratic ideals who always used his talents in the cause of righteousness and justice. His loss is the loss of the entire country."

Judge Martin T. Manton, of the United States District Court: "COCKRAN was one of the ablest men that America has produced. He had a fine vocabulary and the grandest command of the English language of any man who lived. He was charitable. His charity knew no limit."

District Attorney Charles J. Dood, of Brooklyn: "The sterling character of Congressman COCKRAN is best seen in his work. He gave the most valuable years of his life to the service of his country."

—

GOVERNOR SMITH MOURNS COCKRAN.

(Special to The New York Times.)

ALBANY, March 1.—Governor Smith was greatly shocked when news reached him to-day of the death of W. BOURKE COCKRAN, whom he had known for many years, and who on two occasions had eulogized the governor as sponsor for his nomination.

The first occasion was the Democratic National Convention in San Francisco in 1920, when he placed Mr. Smith in nomination for Vice President; and the second the Democratic State convention in Syracuse last year, when he seconded his nomination for governor.

"His passing from this life removes one of America's great men," said the governor. "The history of his life reads like a romance built upon early struggle and latter-day success. He was a forceful and vigorous character, and by sheer ability he fought his way from the humble schoolroom in which he taught on the lower east side of Manhattan to a position of prominence in the greatest Nation in the world.

"His death is a distinct loss to the country, and one beyond measure to his personal friends, a distinction I enjoyed during his lifetime, because those fortunate enough to count him as such knew the warmth of his friendship and the strength of his loyalty and devotion."

The governor said he would attend Mr. COCKRAN'S funeral.

GOVERNOR SILZER'S TRIBUTE.

TRENTON, N. J., March 1.—Governor Silzer to-night, commenting on the death of Representative COCKRAN, said:

"He was an American in the truest and best sense. He had great faith in the people and they in him. Both were right. I join with the people of the United States in mourning our loss, and in extending the deepest sympathy to Mrs. Cockran."

—

BOURKE COCKRAN.

[From the New York Times, March 2, 1923.]

The splendor of BOURKE COCKRAN'S gifts as an orator obscured, at times, at least among his adversaries, the real and solid talent and achievements that underlay his genius; and in politics a certain opportunism or facility of transition sometimes caused a suspicion or prejudice that he looked at public questions as briefs to be argued. Moreover, in some jaundiced eyes, his long connection with Tammany Hall, to which he emigrated from Irving Hall, was a subject of distrust. This was part of the penalty of his brilliance. He was a scholar and a student. He made himself thoroughly familiar with the money question, for example, and his speeches against the free coinage of silver were informed, logical, and clear. So, when any constitutional subject came up in Congress, he displayed a deep and accurate knowledge of it.

He was an acute lawyer, who came to reputation and fortune early; but it is as an orator, equally admired in popular and legislative assemblies, that he made the most vivid impression upon his contemporaries. He had the physical as well as the mental credentials required of that type of artist. Who that ever saw it can forget that tall, impressive figure, burly in his later years, the deep-set eyes with those curious curved, almost oriental eyelids, the powerful nose, the forehead crisscrossed with thought, the mobile face with something Spanish, Celtiberian as well as Celtic, something a little strange, anyway; wit flashing from the eyes to the lips; above all, the marvelous voice charged with mockery, with passion, always with music?

Perfectly self-possessed, if anything a little easier, more suave, more quiet, more dangerously honeyed as he grew older: a conqueror of interruptions, a bland, swift, dangerous thruster with repartee, all his graces and forces mobilized; apparently always speaking extemporaneously, and, if not, hiding the labor of preparation with perfect art, he charmed even the most hostile audiences. Indeed, he liked to think that a strong element of hostility in the audience was useful or necessary in bringing out the best qualities of the orator. Wendell Phillips could force applause from crowds that detested his opinions. Two of Mr. COCKRAN'S greatest triumphs were won in the Democratic National Conventions of 1884 and 1892. In the former he faced a howling mob that itched for the scalp of Tammany; in the latter an irritated, wearied, and extremely hungry collection of delegates and gallery gods was tamed by the Cockranian music. That is the rarest and an almost incredible encomium of an orator—that people had rather hear him than eat.

Mr. COCKRAN'S model was Edmund Burke. It would be cruel, of course, to compare him or anybody else to that great Irish philosophical thinker and orator, but it is something to choose the right model; and, physically, Mr. COCKRAN had endowments that Burke lacked. What is the secret of that communicable ardor between speaker and audience? Regarded mystically, or regarded in some direct or collateral relation to the modern germ theory, it is strange and wonderful. Something of this secret BOURKE COCKRAN possessed. The art of mystery seems to be dwindling in Ireland as well as here. Mr. COCKRAN was a considerable artist. It was artistically fit that he should speak and speak well in the House on his last night in it.

BOURKE COCKRAN.

[From the Washington Star.]

Death of BOURKE COCKRAN—he was always best known by his abbreviated name, and few would recognize him if styled WILLIAM B. COCKRAN—revives memories of the days when he was in his best form as a political orator, days when he made the walls of convention halls ring with his eloquence, when his flowing mane would toss above the sea of heads like the crest of Neptune's horse above the waves, and his wonderful voice would ring even over the clamor of his delighted hearers. He had the gift of the silver tongue, the persuasive phrase, the felicitous harmony of tone and sentence that make the orator.

It seems a long time since Richard Croker used to go to the big political gatherings with his two spokesmen, BOURKE COCKRAN and John Fellows, antitheses in appearance, but brethren in the art of political expression. Croker was no speechmaker. He picked his men for that purpose, and in Fellows and COCKRAN he had a remarkable pair. Each man had his specialty—Fellows in satire and COCKRAN in emotional eloquence. Between them they could hold any convention spellbound

for hours if need be, and on the stump in campaigns they were marvels at votemaking.

But BOURKE COCKRAN'S abilities were not measured alone by his gift of speech. He was a legislator of ability. He had keen mind, a sharp intellect, with ability to analyze a subject thoroughly. When he spoke it was with information. He never went unprepared into the arena, and in a debate he was a formidable antagonist.

It has been said that BOURKE COCKRAN should have gone up the line to the Senate from the House, in which he sat on several returns for a good many years. But it is questionable whether he would have shown as brightly in the Senate as he did in the House. He needed the larger audience for his best effects. He liked close contacts with men. Though himself a man of dignity, he rather shrank from the more austere atmosphere of senatorial procedure.

His silver voice is stilled. It was heard only a few hours ago in the House in a ringing speech that showed no impairment of powers of reasoning or of expression, and those who knew and loved BOURKE COCKRAN as a friend are glad to know that he went out with no slackening of his capacity, and that his last scene in life was a birthday party in celebration of his 69th year. He will be mourned as a good friend, and long remembered as one who left his mark on the records of American affairs.

RECALLS COCKRAN BATTLING STORM TO BEAT CLEVELAND.

[From the Washington Post.]

CHICAGO, March 1.—Chicagoans who learned with sorrow of the death of Representative W. BOURKE COCKRAN, in Washington, to-day showered praise on the "silver-tongued orator." Many of Mr. COCKRAN'S famous speeches were delivered in Chicago, and he had many friends here.

"I heard his greatest speech when he opposed the nomination of Cleveland," declared Federal Judge Alschuler. "It was a dramatic occasion which I have never forgotten. COCKRAN held the attention of the great audience at the convention when no other living man, in my opinion, could have done it. It was 2 o'clock in the morning. A terrible storm was raging. The rain was coming through the holes in the roof of the temporary structure in which the convention was being held. The crowd was against him and wanted to vote. The lightning flashed and the thunder crashed, yet COCKRAN made a speech which held the crowd spellbound. I shall never forget it."

Mr. MOORES of Indiana. Mr. Speaker, I desire to extend my remarks in the RECORD by printing a selection from Macaulay, referred to by the Hon. W. BOURKE COCKRAN, for which he secured the consent of the House to be printed in the RECORD.

The SPEAKER pro tempore. Without objection, that consent is granted.

There was no objection.

The remarks are as follows:

SPEECH OF HON. W. BOURKE COCKRAN, OF NEW YORK, MADE IN THE HOUSE OF REPRESENTATIVES, WEDNESDAY, FEBRUARY 28, 1923.

Mr. COCKRAN. Mr. Chairman and gentlemen of the committee, I took the liberty of propounding some questions to the chairman of the Committee on Banking and Currency during his address, and on his answers I shall predicate what I have to say now. I asked him distinctly, and he answered with equal candor, if the purpose of this measure is to afford the farmers a chance to get more money on credit than they could obtain through the ordinary processes of commerce. Now, since everyone with money, including the banking business, is quite as anxious to loan as any borrower is to obtain, the only fair and sensible deduction from those statements is that the farmer, through this measure—I will not say the farmer, I mean the statesmen who are cultivating the farmer, I do not speak of the farmer who is cultivating the earth, but of those gentlemen who are cultivating the farmer—propose that he shall be able to obtain more money on his property than the property is worth.

SEVERAL MEMBERS. Oh, no.

Mr. COCKRAN. There can be no other meaning. Again I repeat he will have no difficulty whatever in getting all the money that his credit is worth. Now, if this additional sum which it is proposed to give the farmer could be obtained like manna rained from heaven and could be picked up in some place where it would not be contributed by somebody else, I would join in acclaim to that proposal. Now, you propose to give the farmer, as much as I would like to see him get it, money without adequate security, and that money provided for in this bill must be supplied by some one. Naturally you inquire who is to be the victim, who is to make good this benevolence. It is going to be you and me. Nobody else. So I ask the careful attention of this committee to the character of the proposal, to consider and weigh the facts and see if there be any justification whatever for the attempt to take money from one set of citizens—in other words take it out of the Treasury—for the benefit of a particular class. Now, to begin with, I think it important, if the committee will bear with me, to give a brief history of banking and its functions. I want to remind you that it is, in English-speaking countries, a very recent institution, about 230 years old.

Macaulay, in his History of England, points out that in the reign of Charles II there was not a bank in England, and yet there was a growing industry, and that industry needed the very facilities which banking now affords. He points out that at that time there had been in operation for more than three or four hundred years the great Bank of Venice, and that bank had operated through all the mutations and confusions that marked the collapse of the old feudal system. As Macaulay says, it was receiving deposits and loaning money while there was a Christian emperor still in Constantinople. It was loaning money before Columbus directed his ships across the western ocean, and it was still loaning money when an Ottoman emperor presided at the seat of the Cæsars, and while the discoveries of Columbus had resulted in the erection of numerous communities beyond the seas.

And more than that, the Bank of Amsterdam, which was a more recent institution, had existed for 150 years, had gone through a period of confusion on the Continent that was never matched until these recent experiences through which the world is passing to-day. He points out that at the terrible time during the French invasion of Holland, when, as we all know, the dikes were broken down and the country was flooded as a measure of defense, and the white flags were flying from the residence of the stadtholder, there was one place where all was order—peace, progress, and wholesome activity—and that was in the Bank of Amsterdam.

Now, these were so many private institutions; and he points out that the Government never interfered in banking when the interference has not worked disaster. The Bank of England practically gave banking facilities to the English market.

And let me right here explain just what banking is, and when gentlemen realize it and fully appreciate it I think they will be able to form a fair judgment on the character of this proposal.

Banking is the means by which persons engaged in trade, in manufacture, or exchange of commodities can prosecute their business with less inactive capital than they would otherwise be compelled to employ.

Let me illustrate. If I am making tables or selling them I must, if I wish to remain in business, be ready at any moment to meet any demand that is made upon me, and I must meet it in the recognized currency of the country. If there were no banking facilities I would probably need to keep one-half of my capital idle. But by the operations of banking I can deposit 10 per cent of my capital in the bank, and a man engaged in selling tables, we will say, would deposit 10 per cent of his capital in the bank, and the man making shoes would deposit 10 per cent of his capital, and so on through all the multifarious branches of commerce and production. Men, by depositing small amounts of their capital, say 10 per cent, are able by their mutual accommodations to carry on business. If I need money to manufacture my tables I go to work and borrow, and when my tables are completed and sold I repay that loan, and that repayment not only discharges my indebtedness to the bank, but it supplies funds for the shoemaker or the furniture dealer, in case they desire to borrow.

Now, the very business of banking is to keep trade of every kind and character active, and if the farmer can produce credit, if he can produce property, and is engaged in an occupation that will guarantee with reasonable certainty that he will be able to meet his debt, the bank is as anxious to lend the money as he is to obtain it, by the very nature of the commercial conditions.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. COCKRAN. No; I regret I have not the time. Mr. Chairman, I ask leave to extend in my remarks on this question the sketch that Macaulay gave of the success of the Bank of England.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. COCKRAN. It was found that this was an enormously profitable business, this business of banking. But there is nothing new in folly. The cry went forth over the country, "Let us have a land bank! Let us have a bank for the conduct of all land transactions." And Macaulay says they undertook to represent to the people that the miracles of Egypt would not be more marvelous than the results of loaning money on land. But the very essence of banking is the facilitation and the interchange and production of commodities produced from the land, and there is a totally different field of employment for capital in dealing with the land itself. Long loans belong to a totally different field of transactions.

The land bank was started in England. It was to do everything that is claimed for the land bank here, and it resulted in collapse almost before it got under way. But the English land bank did not propose to take several hundred million dollars out of the Public Treasury, as does this measure, and therefore you will have this bank working as long as that money lasts. But following the suggestion of the gentleman from Ohio [Mr. BURTON], let us assume that under the operation of this law large loans are made upon cattle and growing crops; I think

they can loan up to 75 per cent of their value, and I have seen those values shrink over 50 per cent. What will be the security for those loans? How in the nature of things can these operations be prosecuted under the name of banking?

They are a permanent investment, a totally different branch of financial activity; they want to be encouraged, but when that is done they are conducted under the name and guise of banks to which they do not belong. Let us follow out the suggestion of the gentleman from Ohio [Mr. BURTON] for a second. Let us assume that the money is loaned to a great extent upon what is called farm products, say 75 per cent of the value, or on a great herd of cattle in Arizona or New Mexico or Texas, and then assume the appearance of a blizzard. Where will the money to meet that loan come from? Where can it be found? What happens then? Do you come back and ask for more money? Why should not you? You have discovered a way to open the Treasury; you have discovered a way to levy on your neighbors and fellow citizens, because nothing can be taken out of the Treasury by appropriation until it is put in by taxation. Having obtained $60,000,000 in this manner, what is to prevent your coming back for $120,000,000?

You will come on the floor and ask if we are going to be the base, hard-hearted wretches who will actually emphasize and make more bitter the visitations of Providence, when all we have to do to protect the country is to shell out two or three hundred millions more. How long do you think that will last? The gentleman from New Jersey [Mr. PARKER] has made a powerful suggestion, one fraught with great significance in this discussion. Aside from the fact that you are already projecting into the financial system of the country a vast mass of tax-exempt securities, you are creating this condition: That just so soon as there shall be any collapse in the credit underlying the loans made under the operation of this law the Government can not fall back on its exemption from liability. Oh, it is reserved in this act, you say; but technically and nominally it has the right to declare itself free of liability. But can it? The Government is tied up in the mere declaration of liability in the statute. It is held to it by the very nature of the transaction. The Government itself is the bank, camouflage it as you may under the disguise of subscribing to the stock of a concern where it owns all the stock itself. It might as well come out and do this thing from the Treasury Department and have the credit, instead of skulking behind the disguise that takes away not only the title of its responsibility but at the same time conceals from the people the character of its obligations.

Mr. Chairman, I am perfectly certain that my good friends around me here are far from realizing the true character of this proposal. I know perfectly well that these Democrats would recoil from the idea of tolerating or encouraging a system by which one set of people are despoiled for the benefit of others. They have been very quick to denounce the ship subsidy bill, and I agree with them. This is exactly the same character as the tariff. There is no way by which the Government can interfere in private business except to oppress. You can not have a favorite appointed here without having a victim, because the Government has nothing of its own that it can give. Whatever it offers the farmer it must take from the rest of us. There is no magic source from which these enormous contributions can flow.

Mr. McSWAIN. I would like to know who are the victims of the Federal farm-loan associations.

Mr. COCKRAN. If there be default in these loans, as I believe there will be, we will all be their victims, including the farmers who borrow, because they get no good from having a bankrupt concern on their hands. Do you want to undertake to relieve them from the necessity for and exercise of caution in the enterprise they undertake? You tell them that in some way or other they are entitled to take from the Government to meet the ordinary necessities for productive energy and enterprise, and if there be not such an idea in this measure, then there is no sense in it at all. I appeal to gentlemen on both sides of the House to realize that Government never interferes in private business without disaster, and that disaster is always brought about most rapidly and is of the most extensive character when it interferes with banking. There is nothing on this earth that is not produced by the labor of human hands, nothing that man could hope to possess or enjoy that is not the product of labor exercised on the bosom of the earth or on some product of the earth. Every attempt to enrich man by law means the despoiling of some for the benefit of others. If this be a natural operation of commerce, you need no law, you need no interference of Government. The eagerness of men to supply their capital will supply all that it is safe to lend the farmer. They would never lend him 75 per cent of the value of his flocks and herds, because they know that would be risky, if not making certain disaster to the loan and to the enterprise, but they will lend him all that it is safe to lend him, and that means all that it is safe for him to borrow.

The operations of commerce are regulated by laws as fixed as those that control the course of the seasons, and the amount a man may safely borrow is measured by two things. First, by his possessions, what he owns, what he has earned and saved, and second, by his character. When the amount of a loan can be determined by the pull—foregive me for using such a term, but it has a significance well understood—which an ambitious citizen can exercise upon the officers of a public institution, when the course of loans and business is controlled by the favoritism which a pull invites, then there is prepared for you disaster, the extent of which is difficult to measure. We are struggling away back now from a terrible condition. God knows whether the world will succeed in freeing itself from the calamities that are multiplying around it and the dangers that are constantly increasing in its pathway; but if it is to escape, it can be by one way only, and that is by the employment of every pair of human hands in active industry on the soil or some product of the soil. You can not induce the employment of human hands in industry unless you guarantee to every man the peaceful and secure enjoyment of all that he produces. When the day dawns that any number of citizens are taught to believe that there is a more rapid road to prosperity, to wealth, to the possession of capital, than the employment of industry and the exercise of self-denial, and that a more rapid way is through the Treasury by the complaisance or the connivance of politicians, then the knell of this country's prosperity is sounded.

My friends, I have not the slightest idea that having once tasted this blood, those whose appetites are keen can be diverted from the satisfaction of it. But I do implore you in the name of all that we hold sacred, in the name of all that we have achieved, in our hope of prosperity and safety for the future, to pause before you launch the Government to the extent of $600,000,000 into the domain of private industry, where it has never entered without producing extensive and sometimes irreparable injury.

Mr. WINGO. Mr. Chairman, will the gentleman tell us whether he approves of the Federal reserve act?

Mr. COCKRAN. I will state that in many respects I do not. There are many features of it that I think are highly dangerous, and the worst one is that which tends to encourage a man of the high and lofty instincts and mental capabilities of the gentleman from Arkansas not only to support, but to father this proposal of socialism.

The CHAIRMAN. The time of the gentleman from New York has expired.

[Quotation from Macaulay's History of England, vol. 4, pp. 402–504.]

"No sooner had banking become a separate and important trade than men began to discuss with earnestness the question whether it would be expedient to erect a national bank. The general opinion seems to have been decidedly in favor of a national bank; nor can we wonder at this, for few were then aware that trade is in general carried on to much more advantage by individuals than by great societies, and banking really is one of those few trades which can be carried on to as much advantage by a great society as by an individual. Two public banks had long been renowned throughout Europe, the Bank of St. George at Genoa, and the Bank of Amsterdam. The immense wealth which was in the keeping of those establishments, the confidence which they inspired, the prosperity which they had created, their stability, tried by panics, by wars, by revolutions, and found proof against all, were favorite topics. The Bank of St. George had nearly completed its third century. It had begun to receive deposits and to make loans before Columbus had crossed the Atlantic, before Gama had turned the Cape, when a Christian Emperor was reigning at Constantinople, when a Mahomedan Sultan was reigning at Granada, when Florence was a Republic, when Holland obeyed a hereditary prince. All these things had been changed. New continents and new oceans had been discovered. The Turk was at Constantinople; the Castilian was at Granada; Florence had its hereditary prince; Holland was a Republic; but the Bank of St. George was still receiving deposits and making loans. That Bank of Amsterdam was little more than 80 years old, but its solvency had stood severe tests. Even in the terrible crisis of 1672—when the whole delta of the Rhine was overrun by the French armies, when the white flags were seen from the top of the Stadthouse—there was one place where, admidst general consternation and confusion, tranquillity and order were still to be found, and that place was the bank.

"Why should not the Bank of London be as great and as durable as the Banks of Genoa and of Amsterdam? Before the end of the reign of Charles the Second several plans were pro-

posed, examined, attacked, and defended. Some pamphleteers maintained that a national bank ought to be under the direction of the King. Others thought that the management ought to be intrusted to the lord mayor, aldermen, and common council of the capital. After the revolution the subject was discussed with an animation before unknown. For, under the influence of liberty, the breed of political projectors multiplied exceedingly. A crowd of plans, some of which resemble the fancies of a child or the dreams of a man in a fever, were pressed on the Government. Preeminently conspicuous among the political mountebanks, whose busy faces were seen every day in the lobby of the House of Commons, where John Briscoe and Hugh Chamberlayne, two projectors worthy to have been members of that academy which Gulliver found at Lagado. These men affirmed that the one cure for every distemper of the State was a land bank. A land bank would work for England miracles such as had never been wrought for Israel, miracles exceeding the heaps of qualis and the daily shower of manna. There would be no taxes; and yet the exchequer would be full to overflowing. There would be no poor rates; for there would be no poor. The income of every landowner would be doubled. The profits of every merchant would be increased. In short, the island would, to use Briscoe's words, be the paradise of the world. The only losers would be the moneyed men, those worst enemies of the nation, who had done more injury to the gentry and yeomanry than an invading army from France would have had the heart to do.

"These blessed effects the land bank was to produce simply by issuing enormous quantities of notes on landed security. The doctrine of the projectors was that every person who had real property ought to have, besides that property, paper money to the full value of that property. Thus, if his estate was worth £2,000, he ought to have his estate and £2,000 in paper money. Both Briscoe and Chamberlayne treated with the greatest contempt the notion that there could be an overissue of paper as long as there was for every £10 note a piece of land in the country worth £10.

"Nobody, they said, would accuse a goldsmith of overissuing as long as his vaults contained guineas and crowns to the full value of all the notes which bore his signature. Indeed, no goldsmith had in his vaults guineas and crowns to the full value of all his paper. And was not a square mile of rich land in Taunton Dean at least as well entitled to be called wealth as a bag of gold or silver? The projectors could not deny that many people had a prejudice in favor of the precious metals, and that, therefore, if the land bank were bound to cash its notes it would very soon stop payment. This difficulty they got over by proposing that the notes should be inconvertible and that everybody should be forced to take them.

"The speculations of Chamberlayne on the subject of the currency may possibly find admirers even in our own time. But to his other errors he added an error which began and ended with him. He was fool enough to take it for granted in all his reasonings that the value of an estate varied directly as the duration. He maintained that if the annual income derived from a manor were a thousand pounds, a grant of that manor for 20 years must be worth £20,000 and a grant for a hundred years worth a hundred thousand pounds. If, therefore, the lord of such a manor would pledge it for a hundred years to the land bank, the land bank might on that security instantly issue notes for a hundred thousand pounds. On this subject Chamberlayne was proof to ridicule, to argument, even to arithmetical demonstration. He was reminded that the fee simple of land would not sell for more than 20 years' purchase. To say, therefore, that a term of a hundred years was worth five times as much as a term of 20 years was to say that a term of a hundred years was worth five times the fee simple; in other words, that a hundred was five times infinity. Those who reasoned thus were refuted by being told that they were usurers, and it should seem that a large number of country gentlemen thought the refutation complete.

"In December, 1693, Chamberlayne laid his plan, in all its naked absurdity, before the Commons, and petitioned to be heard. He confidently undertook to raise £8,000 on every freehold estate of £150 a year which should be brought, as he expressed it, into his land bank, and this without dispossessing the freeholder. All the squires in the House must have known that the fee simple of such an estate would hardly fetch £3,000 in the market. That less than the fee simple of such an estate could, by any device, be made to produce £8,000 would, it might have been thought, have seemed incredible to the most illiterate fox hunter that could be found on the benches. Distress, however, and animosity had made the landed gentlemen credulous. They insisted on referring Chamberlayne's plan to a committee, and the committee reported that the plan was practicable and would tend to the benefit of the nation. But by this time the united force of demonstration and derision had begun to produce an effect even on the most ignorant rustics in the House. The report lay unnoticed on the table, and the country was saved from a calamity compared with which the defeat of Landen and the loss of the Smyrna fleet would have been blessings.

"All the projectors of this busy time, however, were not so absurd as Chamberlayne. One among them, William Paterson, was an ingenuous, though not always a judicious speculator. Of his early life little is known except that he was a native of Scotland and that he had been in the West Indies. In what character he had visited the West Indies was a matter about which his contemporaries differed. His friends said that he had been a missionary; his enemies that he had been a buccaneer. He seems to have been gifted by nature with fertile invention and ardent temperament and great powers of persuasion, and to have acquired somewhere in the course of his vagrant life a perfect knowledge of accounts.

"This man submitted to the Government, in 1691, a plan of a national bank; and his plan was favorably received both by statesmen and by merchants. But years passed away and nothing was done till in the spring of 1694, it became absolutely necessary to find some new mode of defraying the charges of the war. Then at length the scheme devised by the poor and obscure Scottish adventurer was taken up in earnest by Montague. With Montague was closely allied Michael Godfrey, the brother of that Sir Edmondsbury Godfrey, whose sad and mysterious death had 15 years before produced a terrible outbreak of popular feeling. Michael was one of the ablest, most upright, and most opulent of the merchant princes of London. He was, as might have been suspected from his near connection with the martyr of the Protestant faith, a zealous Whig. Some of his writings are still extant, and prove him to have had a strong and clear mind.

"By these two distinguished men Paterson's scheme was fathered. Montague undertook to manage the House of Commons, Godfrey to manage the city. An approving vote was obtained from the committee of ways and means and a bill, the title of which gave occasion to many sarcasms, was laid on the table. It was indeed not easy to guess that a bill, which purported only to impose a new duty on tonnage for the benefit of such persons as should advance money toward carrying on the war, was really a bill creating the greatest commercial institution that the world had ever seen.

"The plan was that twelve hundred thousand pounds should be borrowed by the Government on what was then considered as the moderate interest of 8 per cent. In order to induce capitalists to advance the money promptly on terms so favorable to the public the subscribers were to be incorporated by the name of the governor and company of the Bank of England. The corporation was to have no exclusive privilege, and was to be restricted from trading in anything but bills of exchange, bullion, and forfeited pledges.

"As soon as the plan became generally known a paper war broke out as furious as that between the swearers and the nonswearers, or as that between the Old East India Co. and the New East India Co. The projectors who had failed to gain the ear of the Government fell like madmen on their more fortunate brother. All the goldsmiths and pawnbrokers set up a howl of rage. Some discontented Tories predicted ruin to the monarchy. It was remarkable, they said, that banks and kings had never existed together. Banks were republican institutions. There were flourishing banks at Venice, at Genoa, at Amsterdam, and at Hamburg. But who had ever heard of a Bank of France or a Bank of Spain? Some discontented Whigs, on the other hand, predicted ruin to our liberties. Here, they said, is an instrument of tyranny more formidable than the high commission, than the star chamber, than even the 50,000 soldiers of Oliver. The whole wealth of the nation will be in the hands of the tonnage bank—such was the nickname then in use—and the tonnage bank will be in the hands of the sovereign. The power of the purse, the one great security for all the rights of Englishmen, will be transferred from the House of Commons to the governor and directors of the new company. This last consideration was really of some weight and was allowed to be so by the authors of the bill. A clause was therefore most properly inserted which inhibited the bank from advancing money to the Crown without authority from Parliament. Every infraction of this salutary rule was to be punished by forfeiture of three times the sum advanced; and it was provided that the King should not have power to remit any part of the penalty.

"The plan, thus amended, received the sanction of the Commons more easily than might have been expected from the vio-

lence of the adverse clamor. In truth, the Parliament was under duress. Money must be had, and could in no other way be had so easily. What took place when the House had resolved itself into a committee can not be discovered; but, while the Speaker was in the chair, no division took place.

"The bill, however, was not safe when it reached the Upper House. Some Lords suspected that the plan of a national bank had been devised for the purpose of exalting the moneyed interest at the expense of the landed interest. Others thought that this plan, whether good or bad, ought not to have been submitted to them in such a form. Whether it would be safe to call into existence a body which might one day rule the whole commercial world, and how such a body should be constituted, were questions which ought not to be decided by one branch of the legislature. The Peers ought to be at perfect liberty to examine all the details of the proposed scheme, to suggest amendments, to ask for conferences. It was therefore most unfair that the law establishing the bank should be sent up as part of a law granting supplies to the Crown. The Jacobites entertained some hope that the session would end with a quarrel between the Houses, that the tonnage bill would be lost, and that William would enter on the campaign without money. It was already May, according to the new style. The London season was over, and many noble families had left Covent Garden and Soho Square for their woods and hayfields. But summonses were sent out. There was a violent rush back to town. The benches which had lately been deserted were crowded. The sittings began at an hour unusually early, and were prolonged to an hour unusually late. On the day on which the bill was committed the contest lasted without intermission from 9 in the morning until 6 in the evening. Godolphin was in the chair. Nottingham and Rochester proposed to strike out all the clauses which related to the bank. Something was said about the danger of setting up a gigantic corporation which might soon give law to the King and the three estates of the realm. But the Peers seemed to be most moved by the appeal which was made to them as landlords.

"The whole scheme, it was asserted, was intended to enrich usurers at the expense of the nobility and gentry. Persons who had laid by money would rather put it into the bank than lend it on mortgage at moderate interest. Caermarthen said little or nothing in defense of what was in truth the work of his rivals and enemies. He owned that there were grave objections to the mode in which the Commons had provided for the public service of the year. But would their lordships amend a money bill? Would they engage in a contest of which the end must be that they must either yield or incur the grave responsibility of leaving the channel without a fleet during the summer? This argument prevailed; and on a division the amendment was rejected by 43 votes to 31. A few hours later the bill received the royal assent, and the Parliament was prorogued.

"In the city the success of Montague's plan was complete. It was then at least as difficult to raise a million at 8 per cent as it would now be to raise thirty millions at 4 per cent. It had been supposed that contributions would drop in very slowly, and a considerable time had therefore been allowed by the act. This indulgence was not needed. So popular was the new investment that on the day on which the books were opened £300,000 were subscribed; three hundred thousand more were subscribed during the next 48 hours; and in 10 days, to the delight of all the friends of the Government, it was announced that the list was full. The whole sum which the corporation was bound to lend to the State was paid into the exchequer before the first installment was due. Somers gladly put the great seal to a charter framed in conformity with the terms prescribed by Parliament, and the Bank of England commenced its operations in the house of the Company of Grocers. There during many years directors, secretaries, and clerks might be seen laboring in different parts of one spacious hall. The persons employed by the bank were originally only 54. They are now 900. The sum paid yearly in salaries amounted at first to only £4,350. It now exceeds £210,000. We may, therefore, fairly infer that the incomes of commercial clerks are, on an average, about three times as large in the reign of Victoria as they were in the reign of William III.

"It soon appeared that Montague had by skillfully availing himself of the financial difficulties of the country rendered an inestimable service to his party. During several generations the Bank of England was emphatically a Whig body. It was Whig not accidentally but necessarily. It must have instantly stopped payment if it had ceased to receive the interest on the sum which it had advanced to the Government, and of that interest James would not have paid one farthing. Seventeen years after the passing of the tonnage bill Addison, in one of his most ingenious and graceful little allegories, described the situation of the great company through which the immense wealth of London was constantly circulating. He saw public credit on her throne in Grocers' Hall, the great charter over her head, the act of settlement full in her view. Her touch turned everything to gold. Behind her seat bags filled with coin were piled up to the ceiling. On her right and on her left the floor was hidden by pyramids of guineas. On a sudden the door flies open. The pretender rushes in, a sponge in one hand, in the other a sword, which he shakes at the act of settlement. The beautiful queen sinks down fainting. The spell by which she has turned all things around her into treasure is broken. The moneybags shrink like pricked bladders. The piles of gold pieces are turned into bundles of rags or faggots of wooden tallies. The truth which this parable was meant to convey was constantly present to the minds of the rulers of the bank. So closely was their interest bound up with the interest of the Government that the greater the public danger the more ready were they to come to the rescue. In old times when the treasury was empty, when the taxes came in slowly, and when the pay of the soldiers and sailors was in arrear, it had been necessary for the Chancellor of the Exchequer to go hat in hand up and down Cheapside and Cornhill attended by the lord mayor and by the aldermen and to make up a sum by borrowing a hundred pounds from this hosier and £200 from that ironmonger. Those times were over. The Government, instead of laboriously scooping up supplies from numerous petty sources, could now draw whatever it required from an immense reservoir which all those petty sources kept constantly replenished. It is hardly too much to say that during many years the weight of the bank, which was constantly in the scale of the Whigs, almost counterbalanced the weight of the church, which was as constantly in the scale of the Tories.

"A few minutes after the bill which established the Bank of England had received the royal assent the Parliament was prorogued by the King with a speech in which he warmly thanked the Commons for their liberality. Montague was immediately rewarded for his services with the place of Chancellor of the Exchequer."

[This was Mr. COCKRAN'S last speech. He began at 5.55 p. m. and spoke for about 30 minutes with great vigor and earnestness to a most attentive House. Although he seemed to be in perfect health, he was stricken that night and died early the next day, without having revised his remarks, which are printed as they were delivered.]

EXTENSION OF REMARKS.

Mr. LONDON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Reserving the right to object——

Mr. LONDON. It is on the subject on which I just spoke.

The SPEAKER pro tempore. The Chair hears no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14408) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923 and prior fiscal years, to provide for supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes.

AUTHORIZING SALE OF REAL PROPERTY NO LONGER REQUIRED FOR MILITARY PURPOSES.

Mr. McKENZIE. Mr. Speaker, I move to suspend the rules and pass the bill S. 4216 with the amendment from the Committee on Military Affairs.

The SPEAKER pro tempore (Mr. ANDERSON). The gentleman from Illinois moves to suspend the rules and pass the bill, which the Clerk will report.

The Clerk read as follows:

An act (S. 4216) authorizing the sale of real property no longer required for military purposes.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to sell or cause to be sold, either in whole or in two or more parts as he may deem best for the interests of the United States, the several tracts or parcels of real property hereinafter designated, or any interest therein or appurtenant thereto, which said tracts or parcels are no longer needed for military purposes, and to execute and deliver in the name of the United States and in its behalf any and all contracts, conveyances, or other instruments necessary to effectuate such sale.

FIRST CORPS AREA.

Maine: Fort Baldwin, Sabine Head, Popham Beach: Fort Edgecomb, Edgecomb; Fort Knox, opposite town of Bucksport on the Penobscot River; Fort Machias, Machiasport, about 25 miles west of the Canadian border; Fort McClary, Portsmouth Harbor, opposite Fort Constitution, on Piscataqua River; Fort Popham, Phippsburg, Hunnewells Point, west bank of Kennebec River; St. Georges (Robinsons Point), St. George, eastern side of St. Georges River, Knox County; Sugar Loaf Islands, known as North and South Sugar Loaf Islands, at the entrance to the Kennebec River, near Bath.

New Hampshire: Portsmouth, reservation at, locally known as Sagamore Reservation; Portsmouth gun house.

Massachusetts: Gloucester gun house, Back Street; Salisbury Beach, near mouth of Merrimac River, Salisbury; Fort Standish (old), Saquish Neck, northern entrance to Plymouth Harbor, 4 miles by water from Plymouth.

Rhode Island: Fort Mansfield, Napatree Point, near Watch Hill, Washington County.

Connecticut: Lighthouse Point, East Haven, about 5 miles from New Haven.

SECOND CORPS AREA.

New York: Plumb Island Reservation (often called Plumb Beach), near the eastern border of Sheepshead Bay, being part of the east end of Plumb Island, in the town of Gravesend, Kings County; Fort Tyler, Gardiners Point (Gardiners Island), near Sag Harbor, Long Island Sound, Suffolk County.

THIRD CORPS AREA.

Maryland: Fort Armistead, Hawkins Point, Anne Arundel County; Fort Carroll, Sollers Point Flats, in the Patapsco River, about 4 miles from Baltimore; Fort Foote, Roziers Bluff, Prince Georges County, 8 miles below Washington on the left bank of Potomac River.

Virginia: Ferry Point, on Elizabeth River, Norfolk County; Fort Nelson, on the Elizabeth River near Mosquito Point, in Norfolk County; Pumping Station reserve, Fort Monroe (Phoebus), about 1 mile from the fort; Fort Powhatan (often called Fort at Hoods), Hoods, south bank of the James River between Wards Creek and Flower de Hundred Creek, in Prince George County; Willoughby Spit Reservation, Willoughby Bay, Norfolk County; Fort Humphreys (approximately 2,000 acres only), on right bank of Potomac River, about 20 miles south of Washington.

FOURTH CORPS AREA.

North Carolina: Beacon Island, Ockrakoke Inlet, an entrance to Pamlico Sound, near the mouth of the Neuse River, Carteret County; Fort Macon, Old Topsail Inlet, 2 miles from Beaufort and Morehead City, Carteret County.

South Carolina: Fort Fremont, St. Helena Island, near Fort Royal, Beaufort County; Fort Winyaw, Blythes Point, at the mouth of Sampit Creek or Georgetown River, Georgetown Harbor, in Georgetown district.

Georgia: Americus Air Intermediate Depot and Souther Field, 4 miles north of Americus; Fort Jackson, old (formerly Fort Oglethorpe), Savannah, on west bank of Savannah River, about 1 mile below city; Point Peter, near St. Marys, mouth of St. Marys River, Camden County.

Florida: Chapman Field, near Benson, 14 miles south of Miami; Fort Clinch, on the north end of Amelia Island in Nassau County, 3 miles from Fernandina and 50 miles north of St. Augustine, 500 acres only; balance, 194.5 acres, will be returned to the Department of the Interior; St. Johns Bluff, near Mayport, Duval County.

Louisiana. Fort Livingston, west end of Grand Terre Island, in the parish of Jefferson, at the entrance of Grand Pass to Barataria Bay, 90 miles south of New Orleans; Fort St. Philip, east bank of the Mississippi River, parish of Plaquemines, nearly opposite Fort Jackson, about 70 miles below New Orleans.

FIFTH CORPS AREA.

Kentucky: Camp Knox surplus areas, Stithton.

SEVENTH CORPS AREA.

Minnesota: St. Paul Army Building, Second and Roberts Streets.

EIGHTH CORPS AREA.

Texas: Love Field septic tank site, Hawes, 5 miles north of Dallas.

NINTH CORPS AREA.

Washington: Lagoon Point, opposite Marrowstone Island, on the east side of Admiralty Inlet, in Island County; Nodule Point, on west side of Admiralty Inlet, Jefferson County; Port Madison (Agate Passage), on Agate Passage to Port Orchard, Kitsap County.

Utah: Ogden Observatory, Ogden.

SEC. 3. In the disposal of the aforesaid properties the Secretary of War shall in each and every case cause the same to be appraised, either as a whole or in two or more parts, by an appraiser or appraisers to be chosen by him for each tract, and in the making of such appraisal due regard shall be given to the value of any improvements thereon and to the historic interest of any part of said land.

SEC. 4. After such appraisal shall have been made and approved by the Secretary of War, notification of the fact of such appraisal shall be given by the Secretary of War to the governor of the State in which each such tract of land is located, and such State or the county or municipality in which such land is located shall in the order named have the option at any time within six months after the approval of such appraisal to acquire the same, or any part thereof which shall have been separately appraised, upon payment within said period of six months of the appraisal value: *Provided, however*, That the conveyance of said tract of land to such State, county, or municipality shall be upon the condition and limitation that said property shall be limited to use for public-park purposes and upon cessation of such use shall revert to the United States without notice, demand, or action brought.

SEC. 5. Six months after the date of approval of said appraisal, if the option given in section 4 hereof shall not have been completely exercised, the Secretary of War shall sell or cause to be sold each of said properties at public sale, at not less than the appraised value, after advertisement in such manner as may be directed by the Secretary.

SEC. 6. A full report of transfers and sales made under the provisions of this act shall be submitted to Congress by the Secretary of War.

SEC. 7. The expense of appraisal, survey, advertising, and sale shall in each case be paid from the proceeds of the sale, whether made in accordance with section 4 or section 5 of this act, and the net proceeds thereof shall be deposited in the Treasury of the United States to the credit of "Miscellaneous receipts."

SEC. 8. The authority granted by this act shall not repeal any prior legislative authority granted to the Secretary of War to sell or otherwise dispose of lands or property of the United States.

The SPEAKER pro tempore. Is a second demanded?

Mr. BLANTON. Mr. Speaker, I demand a second.

Mr. McKENZIE. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. McKENZIE. Mr. Speaker and gentlemen of the House, I shall not take the time of the House to make a speech on this bill other than to say that some two years ago the Committee on Military Affairs of the House of Representatives undertook to have an inventory made of all the real estate under the jurisdiction of the War Department. The work was conducted for months, and finally we got a splendid inventory. After having the inventory made we began to endeavor to have the War Department dispose of all the real estate property no longer necessary for military purposes, and this omnibus bill represents the first installment for sale of property for which the War Department no longer has use. There is one peculiar thing about this bill. It is intended to turn money into the Treasury rather than to take money out of the Treasury, and it provides further that it can not be sold for less than the appraised value, the States and municipalities having the right to buy at the appraised value if they take it within six months.

Mr. BLANTON. Will the gentleman yield?

Mr. McKENZIE. I will.

Mr. BLANTON. What is the appraised value? What is the meaning of that term?

Mr. McKENZIE. Well, the gentleman has been a judge on the bench, he is a good lawyer, and it is unnecessary for me to explain to him what the appraised value of a piece of property is.

Mr. BLANTON. Is that all the distinction the gentleman can make as to appraised value?

Mr. McKENZIE. I think that is sufficient.

Mr. BLANTON. I think the gentleman should reflect on that a little bit.

Mr. McKENZIE. I think I know what the gentleman has in mind, and I can simply say to him that as amended it is provided that the Secretary of War shall have this property appraised, and I think it is fair to assume that the appraisement will be an honest and fair appraisement.

Mr. MOORE of Virginia. May I interrupt the gentleman?

Mr. McKENZIE. Yes.

Mr. MOORE of Virginia. I wish to ask the gentleman a question simply for the purpose of emphasizing for the consideration hereafter perhaps by the War Department a feature of this matter which I think is important. The bill is framed so as to give the War Department full discretion to sell any tract of land it describes. There is no limitation put upon the War Department in that regard. If the department deals with a tract there, say, of 2,000 acres, it can divide it into two parcels or into a hundred parcels and sell it. I suppose the committee did that to give the local people who may wish to purchase an opportunity?

Mr. McKENZIE. Following the usual custom in selling real estate by order of court if they can sell to better advantage by selling in parcels they can do it that way instead of selling it as a whole.

Mr. STAFFORD. Can the gentleman give us an estimate of the amount of property that the War Department proposes to retain as compared with the amount that is no longer needed for War Department or governmental purposes and which they propose to sell?

Mr. McKENZIE. I will say to the gentleman that any estimate I might attempt to give would be a prejudiced one, because I feel that there are thousands and thousands of acres that are still under the control both of the War Department and the Navy Department that ought to be sold, and therefore I can not give the gentleman any definite information as to that.

Mr. STAFFORD. What rule did the committee follow in determining that question? I know it has been agitated for years and years that some of the old, abandoned forts in Nebraska, for example, ought to be sold, as they are no longer needed.

Mr. GREENE of Vermont. These are just those very things.

Mr. CRISP. Mr. Speaker, will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. CRISP. I am very much in favor of this bill, as the gentleman knows. I have no desire to consume any time in the discussion of it. The gentleman has made a motion to suspend the rules and pass the bill. Does his motion embrace any amendments to the bill, or is the bill to be passed just as it was passed by the Senate?

Mr. McKENZIE. My motion was to suspend the rules and pass the bill with the amendment attached thereto, as recommended by the Committee on Military Affairs.

Mr. STAFFORD. Does this bill include any of the old abandoned forts out in Nebraska?

Mr. McKENZIE. No.

Mr. STAFFORD. Has the committee considered the sale of any of those old frontier forts which the Military Establishment still has possession of?

Mr. McKENZIE. We certainly have, and we hope to bring in further bills for that purpose.

Mr. STAFFORD. This is a forerunner of authorizations to sell useless property now held by the War Department?

Mr. McKENZIE. Yes. That is the policy of the Committee on Military Affairs.

Mr. BLANTON. Mr. Speaker, this proceeding illustrates the futility of the House trying to pass sane legislation under suspension of the rules in the closing hours of a Congress. This may be a wise measure. But under the rules it can not be changed even to the extent of the dotting of an "i" or the crossing of a "t," although there may be great need for making a change in some of these provisions.

We here, in the closing hours of Congress, with just a few Members present, are considering a bill that embraces seven pages of printed matter, providing that in 18 different States 49 pieces of Government property which in the years gone by the people's money has bought and paid for, shall be sold and disposed of. How? The gentleman from Illinois [Mr. McKENZIE] says upon its appraised value. I asked him a pertinent question. I asked him what "appraised value" meant in this bill, and he said I knew. I do know what it usually means. But the things that it means to my mind are not provided for in this bill. The usual definition of appraised value is not in this bill.

The bill provides that the Secretary of War shall have somebody appraise the value of the property. It does not direct him to appraise it at its fair market value. It leaves it to some little second lieutenant under the direction of the Secretary of War to go there and say what he thinks it ought to be sold for, irrespective of its fair market value, irrespective of what it ought to be sold for, and what it should bring in the markets of the United States. That is my main objection to the bill.

Is not that a good objection? I submit that question to the business men of this House, as there are a few of them here.

I know there is an attempt to add to our number. I just learned this afternoon some information. Under the law of the State I come from, and of the Nation, Texas is entitled to only 18 Congressmen. Yet the great Governor of the State of Texas has just certified to the Clerk of this House and sent a commission here under the seal of my State that a nineteenth Congressman had been duly elected from Texas. I want the CONGRESSIONAL RECORD to show that he has been elected to an office that does not exist. There is no such position under the existing law as "Congressman at Large" from the State of Texas, and the gentleman who is seeking to have his name placed on the roll is going to be disappointed, because the Clerk of the House and the Sergeant at Arms will pay no attention to his commission, even though it has been executed by the governor of the State.

But, even if we do not increase our number, it behooves us who are on the job, who have proper commissions from our States, to watch these matters.

I want to submit to you gentlemen this proposition: Do you think we should in the closing hours of this Congress pass an omnibus bill of this kind, to dispose of 49 valuable pieces of Government property in 18 different States, and let the Secretary of War direct some little subofficer under his command to go there and tell him what it should bring without some direction as to how it shall be appraised?

We can not change this bill one letter or by one mark of punctuation. Under the motion made by my friend from Illinois [Mr. McKENZIE] to suspend the rules and pass this bill, we have got to accept it word for word as it is written, punctuation and all. If there should be, as has been the case in many instances, a misspelling of a word, we could not correct that misspelling. If there should be improper punctuation, we could not change it or correct it. If there should be a mistake in the bill, we could not rectify it under this motion to suspend the rules. We have to sit here like a cage full of mocking birds and swallow it with our mouths open, because under the rules of the House we have got to vote it up or down.

There is a majority of 169 Republicans, I am sorry to say, in this House and the leader can put anything over on the American people he wants to by hollering administration and getting the whip and the assistant whip to get the boys in line and make them vote as he wills. Is it right or is it fair to the American people? I do not blame our distinguished colleague from Michigan, Governor KELLEY, for wanting to quit us. He has seen so much of this going on here that he has become disgusted. I wish sometimes I was going with the governor next Sunday.

Mr. CLARKE of New York. The gentleman has got nothing on me.

Mr. TILSON. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. TILSON. I move to strike out the word "old."

Mr. BLANTON. I am going to attend to that when I come to revise my remarks. I meant old in the sense that he has been here a long time and is onto our ways. [Laughter.] The wise fox is an old fox, and the gentleman from Michigan is wise.

Mr. LOWREY. Would not the gentleman accept the word "bald" instead of "old"?

Mr. BLANTON. No; I will not let that go in. I am going to protect him up to the last minute, because we all like him and are sorry he is going to leave.

But, gentlemen, is it right to take these important matters up at such a time as this? Why do not you recess until to-morrow. Everybody is tired out; we have been working night and day. I understand the Speaker pro tempore is going to recognize Members to suspend the rules and pass numerous just such measures as this is—not for the benefit of the people of the United States. I wish some of you men could find out just what these 49 pieces of property have cost the Government in the aggregate. You would find out possibly that they have cost millions of dollars; that they were hard to acquire; that it took expensive condemnation proceedings to get possession of some of them for the Government. Now we are disposing of them in an omnibus bill in the closing hours of Congress with 20 minutes' debate.

You are going to answer for it and so am I, but I am registering my feeble protest against it now. I am hoping that the steering committee of this House will get together in a few minutes and decide for the people of the United States that we ought to adjourn to-night and get a fresh start to-morrow. We will sit up all night to-morrow if it is necessary. I am thankful for one thing—that the President of the United States has promised to relieve the American people of the weight it is carrying in having Congress in session with a vacation of nine months beginning next Sunday. Thank the Lord, when we are not in session we can not pass any bad legislation.

We will then let the new majority whip, Brother CLARKE, go home and find out what his people are demanding and what they want, so that when he comes back and such measures as this come up for passage, instead of whipping them into line the wrong way, he can whip them into line the right way. He will then be a valuable whip to you and a valuable adjunct to his State and Nation. Gentlemen, that is all I want to say, as I have been trying merely to kill 20 minutes. [Laughter.]

The SPEAKER pro tempore. The question is on the motion of the gentleman from Illinois to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

AMENDING THE CHINA ACT.

Mr. VOLSTEAD. Mr. Speaker, I move to suspend the rules and pass House Joint Resolution 455, to amend the China trade act, with an amendment recommended by the Committee on the Judiciary.

The Clerk read the bill, as follows:

Joint resolution (H. J. Res. 455) to amend the China trade act.

Resolved, etc., That subdivision (b) of section 9 and subdivisions (a) and (b) of section 21 of the China trade act be, and are hereby, amended by striking out the words "resident in China" wherever they occur in said subdivisions.

The SPEAKER pro tempore. Is a second demanded?

Mr. BLANTON. I demand a second, unless some one else does.

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 20 minutes.

Mr. VOLSTEAD. Mr. Speaker, we passed the China trade act last fall, and since then the Secretary of Commerce has been trying to encourage the creation of corporations under it for the purpose of aiding our trade in China. In that act we sought to relieve to some extent such corporations from the corporation taxes but not of any other tax. It is impossible for our people who seek to engage in that trade to operate successfully in the Chinese business unless they can be put upon an equality with the Europeans who are now engaged in trade there. It is

not sought in this act to relieve from the tax the individual; that tax is left exactly the same as if he was incorporated under some other act.

Nor is it to relieve any corporation that may own any of the stock of a corporation formed under this act; it would get no exemption whatever. It is only the individual that owns stock and only income that is relieved at all is from profits derived from business in China itself.

Mr. BLANTON. But the gentleman's bill does do this. It relieves an individual who owns stock from paying the excess profits tax.

Mr. VOLSTEAD. No; it does not do that. He pays both the normal and excess-profits tax, and to prevent anyone from accumulating a fund in China that might be exempt, we in effect provide that the dividend must be paid every year.

Mr. BLACK. Mr. Speaker, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. BLACK. If this bill does not relieve the corporation from the corporation income tax——

Mr. VOLSTEAD. Oh, no; it relieves the corporation income tax on profits derived wholly from sources in China as to Americans and Chinese and not anyone else.

Mr. BLACK. That is the only tax that this bill is designed to relieve the taxpayer of—that is, the corporation income tax?

Mr. VOLSTEAD. Yes; that is all; and not all of that, but only as to income derived from sources in China.

Mr. BLACK. That is what I meant to convey by my question. We will suppose that a citizen owns a certain number of shares of stock in a Chinese corporation, and he gets, for example, $1,000 in dividends. Is he relieved from adding that to his income tax?

Mr. VOLSTEAD. Oh, no; he has got to pay the tax on that just the same. The idea is simply this: You can incorporate now, for instance, under the English law or the Japanese law, and, of course, we would get no corporation tax whatever out of such corporation. We simply intend to furnish a means to the American people to carry on their business just the same as though they were incorporated under some foreign law. If you do not grant this exemption, you will not get the tax anyway, because our people will simply incorporate under some foreign law. It does seem to me it would be a decided advantage to us in trying to build up trade in that country to grant this relief. We have tried to make this limitation just as small as we dared to make it, so as to put our people on anything like an equality with foreign corporations. I reserve the remainder of my time.

Mr. BLANTON. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker, this is a bill that seeks to amend the Dyer China Trade Act, which in its main purpose sought to relieve American citizens doing business in China from the effect of the surtaxes and the excess-profits tax.

Mr. VOLSTEAD. Oh, no; it does not relieve them of this.

Mr. STAFFORD. Oh, yes.

Mr. VOLSTEAD. Oh, no; it does not.

Mr. STAFFORD. What is the purpose of the Dyer Act except to relieve them of the surtaxes, so that they could engage in this China trade in competition with nationals of other countries who are exempted from the effect of their local income taxes?

Mr. VOLSTEAD. The gentleman is entirely mistaken. There is no such thing in the bill at all. It simply relieves the tax upon the corporation.

Mr. STAFFORD. Am I right in the position that I take that this is an amendment to the Dyer China Trade Act?

Mr. VOLSTEAD. Yes.

Mr. STAFFORD. Am I right in the position that the Dyer China Trade Act sought to relieve American citizens doing business in China from the payment of the taxes imposed on American citizens doing business in the United States?

Mr. VOLSTEAD. No; the gentleman is not right about that.

Mr. STAFFORD. I will leave that to the judgment of the House, because it was bitterly contested here whether we should indulge in the policy of relieving American citizens from taxation because they were engaged in business in China, where those nationals came in competition with the nationals of other countries, which other countries exempted them from the effect of the tax laws of their own countries.

Mr. VOLSTEAD. The gentleman's statement is entirely too general. It does not relieve the tax on the individual at all.

Mr. STAFFORD. What does the Dyer Act do?

Mr. VOLSTEAD. The Dyer Act simply relieves the tax on the corporations from sources in China as to Chinese and Americans resident in China, and this seeks to strike out the word "resident."

Mr. PARKER of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. PARKER of New Jersey. Does not the gentleman remember, as I do, that the trouble was that if we taxed a corporation in China they could not get Chinese people and others to join in the corporation, and they were to be relieved? The purpose was to relieve the American citizen.

Mr. VOLSTEAD. The Secretary of the Treasury and the Secretary of Commerce both say that this will not lose the Government one penny of tax, and they ought to know.

Mr. STAFFORD. Mr. Speaker, what is the Dyer China Trade Act? What was the condition that it sought to relieve? Great Britain, France, perhaps other countries—but I know those two countries—relieved their nationals who did business in China from the payment of the taxes on profits derived from business arising from trade in China. We saw that condition and wanted to meet that, so as to enable American citizens and capital to go there on an equal plane. We could not expect American capital to compete with foreign capital if the American capital was going to pay a heavier tax.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. BLANTON. Mr. Speaker, I yield five minutes more to the gentleman.

Mr. BANKHEAD. Mr. Speaker, this seems to be a very interesting discussion, and I think we ought to have a quorum here.

The SPEAKER pro tempore. The gentleman from Alabama makes the point of no quorum.

Mr. BANKHEAD. Mr. Speaker, under certain representations which have been made to me privately, I withdraw the point.

Mr. FORDNEY. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. FORDNEY. The gentleman is in error when he says that the bill that we passed before, which is now a law, placed our citizens on a level with the citizens of other countries in China.

It does not do that. The citizens of other countries that live, say in England, doing business over there, are treated entirely different from what our people are. Our citizens must be citizens of China in order to receive the benefits of existing law, but an Englishman can live where he pleases and he is exempt.

Mr. STAFFORD. Will the gentleman, who is an expert on tax matters, inform the House what was the purpose of the Dyer China Trade Act?

Mr. FORDNEY. The purpose is to enable citizens of the United States to do business in China on the same principles and the same terms as people of Great Britain do.

Mr. STAFFORD. As to taxation?

Mr. FORDNEY. Yes. Now, the law does not treat them the same.

Mr. STAFFORD. What this bill seeks to do, gentlemen, is that under the Dyer Act it would extend the protection to American citizens and relieve them from the burdens of American taxation if they were engaged in business in China if they are residents of China. This bill seeks to throw the protecting arm of exemption over American citizens who engage in trade in China regardless of whether they are residents there or not, providing their profits arise out of business in China. That is the principle of this bill. I again repeat, under existing law the only protection of exemption under the original Dyer China Trade Act applies merely to American citizens who are doing business in China and are residents therein. Now, it is proposed to exempt them from the income-tax measure of our country if they are engaged in business there, regardless of whether they are residents there or not.

Mr. MOORE of Virginia. In other words, the corporation and individual, also, become Americans?

Mr. STAFFORD. It is for the purpose of allowing an American corporation, although the stockholders may not be residents of China, to still have the protecting arm of exemption from taxation and be on an equality with those of other Governments. I am in favor of the measure, so, Mr. Chairman, I did not object to this bill yesterday when it was called up under unanimous consent. [Applause.]

Mr. ROSSDALE. Mr. Speaker, I make the point of order there is no quorum present. Mr. Speaker, I withdraw the point.

Mr. BLANTON. Mr. Speaker, if to-morrow and next day were not the last two days of the congressional experience of our distinguished friend from Michigan [Mr. FORDNEY] he would hardly permit this bill to come before the House under

a report from the Committee on the Judiciary, because he used to be very jealous of his rights. This bill affects taxation. It seeks to relieve certain Americans living in this country from paying certain taxes.

Mr. FORDNEY. Will the gentleman yield?

Mr. BLANTON. I will yield.

Mr. FORDNEY. Brother, let me say to you when the original bill first came up it carried two features, one the taxing feature and the other legislation. There was a question——

Mr. BLANTON. The gentleman let it go by under protest.

Mr. FORDNEY. No. Our committee decided to refer the whole matter to the Committee on the Judiciary that carried the provisions because they could not be separated.

Mr. BLANTON. The distinguished gentleman then overlooked a very valuable bet. When the China trading act first came before the House some of us then objected to it because we tried to show then that it would let certain Americans escape taxation, and the answer came from our distinguished friends in charge of the bill that it only exempted certain men in China, residents of China, and they then stated that we could not reach them anyway to collect the taxes. That was their excuse—that we could not collect it anyway—and it was just as well to exempt them, because we were not losing anything. But now the Committee on the Judiciary, that has nothing to do with the taxation of the country, comes in with an amendment——

Mr. VOLSTEAD. Will the gentleman yield?

Mr. BLANTON. In a moment—amending this act, and they seek now to extend the exemption to individuals of this country, and I want to say that is true, and I want to read it from the report. How many of you have seen this bill? None of you.

Mr. JOHNSON of Washington, Yes; we have.

Mr. BLANTON. Not until about five minutes ago. How many of you have got a copy?

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. BLANTON. Oh, the chairman of the Committee on Printing sees everything and knows everything. He is like Pathé.

Mr. JOHNSON of Washington. No; he does not. But may I suggest that we Members on the Pacific coast, that has a little trade with Japan and foreign countries, trying to increase our foreign trade, are hoping we will not lose what we have got. I have read the bill carefully.

Mr. BLANTON. I can not yield further.

Mr. JOHNSON of Washington. Thank you.

Mr. BLANTON. But I am going to show you by the report that the bill will exempt certain Americans from certain taxes, but when I asked the distinguished chairman of the Judiciary Committee if that was not the case he differed with him.

Mr. VOLSTEAD. If the gentleman will pardon me, it does not exempt the individual from any tax levied against the individual on the individual at all.

Mr. BLANTON. But it exempts American citizens engaged in trade in China from the payment of tax imposed on their business such as other Americans pay on their business, and I am going to show you by their report.

Mr. JOHNSON of Washington. That is because Hongkong is a world market.

Mr. BLANTON. I hope the gentleman will not interrupt me further. If the Chair will tell me whether I have the floor, or somebody else, I would be glad. I am going to read the report. If we can not depend upon the report and count on what the English language means, how can we consider the bill properly? I tried to get a copy of this bill from the Clerk, but I could not get one. It was not available. Yet the bill is taken up here under suspension of the rule, where it can not be amended, and with 20 minutes of debate. I had to get a copy of the report from the Clerk's desk. This report says:

> The amendment sought by this resolution eliminates the requirement contained in section 9 of the act that a majority of the directors and of the officers holding the office of president, treasurer, or secretary must be residents of China, and provides that such majorities must be citizens of the United States. The present law requires that citizens of China and of the United States, to secure the limited exemption from taxes allowed under it, must be residents of China. The resolution eliminates this requirement and allows such exemption to citizens of China and of the United States.

Let me read a little further. I read:

> If it is to get the exemption, it must distribute that saving among citizens of the United States and China.

Let me read a little further still:

> It does allow exemption on income derived from sources wholly within China to the two classes, American citizens and citizens of China, but it allows no exemption of that tax if the stock is held by a corporation. It is only the individual who can secure any exemption.

Mr. VOLSTEAD. You are not reading that aright.

Mr. BLANTON. Let us see. "It is only the individual that can secure any exemption." In what way have I not read it right?

Mr. VOLSTEAD. Read the whole of it.

Mr. BLANTON. That is a sentence by itself, and the gentleman wrote it. He can not deny his own words. It is the handwriting on the wall, and the handwriting some day is going to appear here, Mr. Speaker, on the wall before you, "Mene, mene, tekel upharsin," and you are then going to have to answer the condemnation.

Here is what the distinguished Secretary of Commerce is supposed to have said:

I read from the report:

> Under the China trade act total exemption is granted, but in order for an individual stockholder to get any share of the special dividend, which is provided in the act and which represents the amount of the corporation income-tax exemption, he must be a bona fide resident of China. This has been found to be a drawback, as the amount of American capital represented by ownership residence in China is comparatively small.

Then they proceed to extend the exemption from such taxation to American citizens.

Mr. RICKETTS. Mr. Speaker, will the gentleman yield for a question?

Mr. BLANTON. Yes; I wish the gentleman's party had as sound judgment on all matters as the gentleman from Ohio himself has. I follow him on very many questions.

Mr. RICKETTS. Who signed that report?

Mr. BLANTON. It purports in the report to be signed by the Secretary of Commerce; but when you get down to the signature, the signature is missing. What became of the signature? I want to ask that question of the chairman of the Committee on the Judiciary. That is just an unsigned letter which has come to him from the Secretary of Commerce, but it has not got the words "Herbert Hoover" down there. It is blank where the signature should be inserted. That is exactly the kind of authority our friends have here for most of their legislation—blank authority and blanket bills under blank authority.

As one humble Democrat I am going to meet you Republicans on the hustings next year, and I am going to ask you to answer these questions before the voters of the country. I am going to ask you to render an account respecting this legislation to the people of the United States. You can not do it by continuing to exempt certain persons from taxation. The American people do not mind paying taxes when taxes are equitably distributed among all alike. But when you exempt some in favor of others, in rank discrimination, the people of this country do not like it.

That is what you are doing by this bill. That is what you intended to do by the ship subsidy bill. That is what you have done and attempted to do by other bills. That is what you did by your sugar bills that you passed. That is what you have done by this action and by that action. You take the burdens from the shoulders of the rich and place them upon the shoulders of the poor people who are unable to bear them.

I want to say that the American people are waking up on this question. They are posted. When you go home and go down the main street of your town your constituents are going to surround you, and they are going to ask you questions that you can not answer. They are going to ask you questions that are going to embarrass every one of you. They are going to ask you questions that will make you wish you were back in Washington where you could write evasive letters in reply to their interrogatories. But they are not going to take evasions. They are going to pin you down and have you answer "yes" or "no," and make you explain your action here in Washington. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I just want to take a little time to explain this matter. Here is the situation: This does not exempt any individual from tax upon any dividend that he may get. Both the normal tax and the surtax are to be levied just as though this measure did not pass. But, so far as the corporation tax is concerned to the extent that its income is derived from sources in China, an exemption is allowed. These corporations can only be organized for business in China; this permits exemption to the individual person.

Mr. RICKETTS. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. RICKETTS. Were not these provisions carried in the original Dyer bill?

Mr. VOLSTEAD. The Dyer bill was a good deal more liberal.

Mr. RICKETTS. Were not these provisions eliminated by a vote of the House?

Mr. VOLSTEAD. They were stricken out in the Senate.

Mr. RICKETTS. Did not the House vote on them and eliminate them?

Mr. VOLSTEAD. No. The House passed it, and it was struck out in the Senate, and came back to the House from conference with the present exemption. Here is the situation: Suppose you do not pass this bill. How are you going to get this tax? You will not get this tax at all, because no one is willing to incorporate under the law as it stands.

Only two small concerns have been incorporated. What our people will do is to incorporate under some foreign law. We can not get any tax from a foreign corporation.

Mr. RICKETTS. The purpose is to have the American people incorporated under an American law?

Mr. VOLSTEAD. Yes; if they incorporate under the British law, it is controlled by English officers, because under the English law the majority of the officers must be English. They do everything they can to encourage English exports. The object is to furnish the American people in China with an instrumentality by which they can compete with foreign people in that country. The Secretary of the Treasury says that it is his opinion that instead of losing taxes by this exemption we will gain in taxes, and it seems to me that we ought to take the judgment of the Secretary of the Treasury on that point. The Secretary of Commerce is very anxious that something of this kind shall be passed, so that we can secure some of that business. China is a vast, undeveloped country with immense resources just awakening, and it seems to me that we ought to be willing to give our people a chance to compete on equal terms with the foreigner. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has 12 minutes remaining.

Mr. VOLSTEAD. Mr. Speaker, I yield the remainder of my time to the gentleman from Michigan [Mr. FORDNEY].

Mr. FORDNEY. Mr. Speaker, when the Dyer bill was first introduced it carried two features of legislation—one affecting the revenues of the Government and the other the enactment of a law. It was found that the two provisions of that bill could not be separated, and because there was some discussion back and forth as to which of the two committees the bill should go to the Committee on Ways and Means decided to permit the whole matter to be considered by the Committee on the Judiciary, and that committee did handle the bill. That is exactly the situation with reference to the bill before us to-night.

Mr. VOLSTEAD. The Committee on the Judiciary then submitted to the Ways and Means Committee the tax provision feature for its recommendation, and did so in this instance.

Mr. FORDNEY. That is correct. The information that came to the Committee on Ways and Means this time before the matter was agreed to be referred to the Committee on the Judiciary is that the existing law does not permit American citizens to be placed upon an equal footing in China with people of other countries, and especially with people of Great Britain, and Great Britain to-day is capturing the trade in China on imported goods. Our beloved friends on the Democratic side, especially the gentleman from Texas [Mr. BLANTON], do not believe in a protective tariff for the reason that they believe that it will lessen our exports.

Mr. BRITTEN. Is it not a fact that unless legislation of this kind is enacted most of the American corporations in China now will go under British registry?

Mr. FORDNEY. Absolutely. They will have to do it, but my friend from Texas [Mr. BLANTON] does not want a protective tariff for the reason that in his opinion it will interfere with our exports. That is right, is it not?

The gentleman has said so many times here. Now, then, his action right now will prevent Americans from exporting American goods and selling them in China, but the Republicans want to place American citizens on a plane with the English in disposing of American goods in China.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. BLANTON. Is that the reason the distinguished gentleman reduced the surtaxes on all of the multimillionaires of the United States?

Mr. FORDNEY. Oh, nonsense.

Mr. BLANTON. That is a hard question.

Mr. FORDNEY. No; it is not. You talk about going out on the platform next year and making it unpleasant for Republicans. Great Scott, man, that is exactly what you would like here. Why are you warning us against mistakes? That is not what you are after. You are using an argument here that you think will befog the minds of men in this House who want to do the right thing for American citizens. That is what we are here to legislate for. You do not look beyond your nose, my friend, with your free-trade ideas.

Mr. BLANTON. But I am not a free trader.

Mr. FORDNEY. Broaden out a little bit—get a few protective ideas into your head—and then you can deal honestly, justly, and equitably with your citizens, but you can not do it with your limited ideas. The very thing that you want now is exactly what you have been fighting against ever since you have been a Member of this House. Open your eyes and see beyond the limits of your own particular district, which you have the honor to represent, and it is a very great honor for any man to represent a great constituency. I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Minnesota to suspend the rules and pass House Joint Resolution 455, as amended.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 122, noes 22.

Mr. RANKIN. Mr. Speaker, I object to the vote upon the ground that there is no quorum present, and I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Mississippi makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 160, nays 73, not voting 193, as follows:

YEAS—160.

Ackerman	Favrot	Kline, Pa.	Reed, N. Y.
Anderson	Fitzgerald	Knutson	Reed, W. Va.
Andrew, Mass.	Focht	Kraus	Rhodes
Andrews, Nebr.	Fordney	Kreider	Roach
Appleby	Foster	Lazaro	Robertson
Aswell	Free	Lea, Calif.	Rogers
Atkeson	Frothingham	Leatherwood	Rossdale
Barbour	Fuller	Lee, N. Y.	Sanders, Ind.
Begg	Gensman	Lehlbach	Scott, Tenn.
Bixler	Gifford	Lineberger	Shaw
Boies	Glynn	Luce	Shreve
Bond	Graham, Ill.	McLaughlin, Mich.	Siegel
Bowers	Green, Iowa	McPherson	Sinnott
Britten	Greene, Vt.	MacGregor	Smith, Idaho
Burton	Griest	MacLafferty	Snell
Butler	Hardy, Colo.	Madden	Speaks
Campbell, Kans.	Haugen	Magee	Stafford
Campbell, Pa.	Hawley	Mapes	Stephens
Carter	Hayden	Michener	Strong, Pa.
Chalmers	Hersey	Miller	Sweet
Chindblom	Hickey	Mills	Swing
Christopherson	Hicks	Mondell	Taylor, N. J.
Clarke, N. Y.	Hill	Moore, Ohio	Temple
Clouse	Hogan	Moores, Ind.	Tilson
Cole, Iowa	Huck	Morgan	Timberlake
Colton	Hukriede	Murphy	Tincher
Cooper, Ohio	Hull	Newton, Minn.	Underhill
Crisp	Humphrey, Nebr.	Newton, Mo.	Vaile
Curry	Humphreys, Miss.	Norton	Vestal
Dallinger	Husted	Ogden	Volk
Darrow	Ireland	Parker, N. J.	Volstead
Dempsey	James	Paul	Walters
Dupré	Jefferis, Nebr.	Perkins	Wason
Dyer	Johnson, Wash.	Perlman	Watson
Echols	Kearns	Petersen	Webster
Edmonds	Kelley, Mich.	Pringey	White, Kans.
Elliott	Kelly, Pa.	Radcliffe	Williams, Ill.
Evans	Kendall	Raker	Williamson
Fairchild	Ketcham	Ramseyer	Winslow
Faust	Kissel	Rayburn	Zihlman

NAYS—73.

Abernethy	Dominick	Lee, Ga.	Smithwick
Bankhead	Doughton	Logan	Steagall
Bell	Drewry	Lowrey	Sumners, Tex.
Bland, Va.	Driver	Lyon	Swank
Blanton	Fields	McDuffie	Taylor, Colo.
Bowling	Fulmer	McSwain	Ten Eyck
Box	Garrett, Tenn.	Mead	Tillman
Briggs	Goldsborough	Moore, Va.	Tucker
Buchanan	Griffin	Nelson, J. M.	Turner
Bulwinkle	Hammer	O'Connor	Tyson
Byrnes, S. C.	Hooker	Oliver	Upshaw
Byrns, Tenn.	Jeffers, Ala.	Quin	Vinson
Carew	Johnson, Ky.	Rankin	Voigt
Collier	Jones, Tex.	Ricketts	Weaver
Collins	Kincheloe	Riordan	Wilson
Connally, Tex.	Kunz	Rouse	Wingo
Cooper, Wis.	Lampert	Sabath	
Davis, Tenn.	Lankford	Sandlin	
Deal	Larsen, Ga.	Sinclair	

NOT VOTING—193.

Almon	Brooks, Pa.	Connolly, Pa.	Fairfield
Ansorge	Brown, Tenn.	Copley	Fenn
Anthony	Browne, Wis.	Coughlin	Fess
Arentz	Burdick	Crago	Fish
Bacharach	Burke	Cramton	Fisher
Barkley	Burtness	Crowther	Frear
Beck	Cable	Cullen	Freeman
Beedy	Cannon	Dale	French
Benham	Cantrill	Davis, Minn.	Funk
Bird	Chandler, N. Y.	Denison	Gahn
Black	Chandler, Okla.	Dickinson	Gallivan
Blakeney	Clague	Dowell	Garner
Bland, Ind.	Clark, Fla.	Drane	Garrett, Tex.
Brand	Classon	Dunbar	Gernerd
Brennan	Codd	Dunn	Gilbert
Brooks, Ill.	Cole, Ohio	Ellis	Goodykoontz

Gorman	Larson, Minn.	Park, Ga.	Stevenson
Gould	Lawrence	Parker, N. Y.	Stiness
Graham, Pa.	Layton	Parks, Ark.	Stoll
Greene, Mass.	Linthicum	Patterson, Mo.	Strong, Kans.
Hadley	Little	Patterson, N. J.	Sullivan
Hardy, Tex.	London	Porter	Summers, Wash.
Hawes	Longworth	Pou	Tague
Hays	Luhring	Purnell	Taylor, Ark.
Henry	McArthur	Rainey, Ala.	Taylor, Tenn.
Herrick	McClintic	Rainey, Ill.	Thomas
Himes	McCormick	Ransley	Thompson
Hoch	McFadden	Reber	Thorpe
Huddleston	McKenzie	Reece	Tinkham
Hudspeth	McLaughlin, Nebr.	Riddick	Towner
Hutchinson	McLaughlin, Pa.	Robsion	Treadway
Jacoway	Maloney	Rodenberg	Ward, N. Y.
Johnson, Miss.	Mansfield	Rose	Ward, N. C.
Johnson, S. Dak.	Martin	Rosenbloom	Wheeler
Jones, Pa.	Merritt	Rucker	White, Me.
Kahn	Michaelson	Ryan	Williams, Tex.
Keller	Montague	Sanders, N. Y.	Wise
Kennedy	Moore, Ill.	Sanders, Tex.	Wood, Ind.
Kiess	Morin	Schall	Woodruff
Kindred	Mott	Scott, Mich.	Woods, Va.
King	Mudd	Sears	Woodyard
Kirkpatrick	Nelson, Me.	Shelton	Wright
Kitchin	Nelson, A. P.	Sisson	Wurzbach
Kleczka	Nolan	Slemp	Wyant
Kline, N. Y.	O'Brien	Smith, Mich.	Yates
Knight	Oldfield	Snyder	Young
Kopp	Olpp	Sproul	
Langley	Overstreet	Stedman	
Lanham	Paige	Steenerson	

So, two-thirds having voted in favor thereof, the joint resolution was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Graham of Pennsylvania with Mr. Woods of Virginia.

Mr. Thompson with Mr. Sisson.

Mr. Woodruff with Mr. Tague.

Mr. French with Mr. Wright.

Mr. Beck with Mr. London.

Mr. Dowell with Mr. Ward of North Carolina.

Mr. Cramton with Mr. Rucker.

Mr. Longworth with Mr. Barkley.

Mr. Merritt with Mr. Gilbert.

Mr. Kiess with Mr. Black.

Mr. Wyant with Mr. Huddleston.

Mr. Porter with Mr. Pou.

Mr. Coughlin with Mr. Wise.

Mr. Little with Mr. Stevenson.

Mr. Fish with Mr. O'Brien.

Mr. Bacharach with Mr. Cantrill.

Mr. Young with Mr. Oldfield.

Mr. Wurzbach with Mr. Fisher.

Mr. Greene of Massachusetts with Mr. Hudspeth.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. A quorum is present. The Doorkeeper will open the doors.

Mr. DYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the legislation just passed.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to is here printed in full as follows:

Mr. DYER. Mr. Speaker, this resolution should be adopted, as it will improve the China trade act, 1922, in one important particular.

I recently made a trip to China to give study to the China trade act, 1922, in so far as it met the demands for legislation of this character. I find that there are a number of amendments that must be agreed to by the Congress before the law can be workable to the best interests of citizens of the United States. The associated American Chambers of Commerce of China had a committee working upon amendments needed. They submitted a report to me through Mr. Carl L. Seitz, its chairman. The following are their recommendations:

Report of the special committee appointed by the American Chamber of Commerce of Shanghai, China, to consider amendments necessary in the China trade act of 1922 to adapt same to the conditions obtaining in trade in China.

SEC. 4. (a). Strike out the word "five" and substitute in place thereof "three," so that said clause will read: "Three or more individuals (hereinafter in this act referred to as 'incorporators')" * * *

EXPLANATION.

In order to enable companies to be incorporated which practically constitute private partnerships, it is desirable to permit three individuals to incorporate a China trade act company. This would mean that it would be necessary, in order to have a majority of citizens of the United States, that two of the incorporators would have to be Americans and the third might be a Chinese or alien.

SEC. 4 (b) 2. (The articles of incorporation shall state:)

"The location of its principal office, which shall be in the District of Columbia."

This clause is to be amended as follows:

"The location of its principal office. The corporation shall maintain in the District of Columbia an accredited agent with power to accept service."

EXPLANATION.

It is to be assumed that the purpose of the China trade act is primarily to enable companies to be formed to operate in China under United States Federal laws. This means that the principal offices for the control of the companies' working must exist in China.

It is believed that the purpose of the original working of this clause in the China trade act of 1922 was to have a registered representative within the District of Columbia who would represent the company with such power that the company could be sued there. The clause as amended, therefore, covers this requirement.

SEC. 4(b) 6. (The articles of incorporation shall state)—

"The names and addresses of individuals, a majority of whom are citizens of the United States and at least one of whom is a resident of the District of Columbia, to be designated by the incorporators, who shall serve as temporary directors:"

This clause is to be amended as follows:

"The names and addresses of individuals, a majority of whom are citizens of the United States, who shall serve as temporary directors:"

EXPLANATION.

The provision of having a resident of the District of Columbia as a director appears unnecessary from a common-sense standpoint and only makes matters more difficult for purposes of incorporation. The act has not clearly put it whether said director in the District of Columbia is to be maintained there always or whether he is only to be considered as a temporary director for purposes of incorporation and thereafter may be dropped from the board of directors, in which case the nomination would be a farce.

As it is desired to have the incorporation laws for operation under the China trade act as simple and clean-cut as possible, it is thought desirable to delete this provision as to a resident director in the District of Columbia as being unessential in the operation of companies under the act.

SEC. 4 (b) 7. (The articles of incorporation shall state)—

"The fact that an amount equal to 25 per cent of the amount of the authorized capital stock has been in good faith subscribed and paid in cash * * *";

This clause is to be amended as follows:

"The fact that an amount equal to 25 per cent of the amount of the authorized capital stock has been in good faith subscribed and will be paid in cash within 90 days after issue of certificate of incorporation * * *";

EXPLANATION.

The requirement under the act that 25 per cent of the capital stock must be paid in cash upon application for incorporation works an unnecessary hardship on incorporators, for the reason that it is expected it may be several months at times before incorporation papers will be granted by the Secretary of Commerce. In the case of a company with a large proposed capital to go into industrial development, it might be difficult to get incorporators to put up a large cash payment before incorporation, when it might not be certain that the Secretary would grant incorporation papers.

Since the working of the China trade act providing for the Secretary to be represented by a registrar maintained in China, who will investigate the proposals for any corporation to be formed, and it is assumed that he will accompany any applications referred to Washington with his statements to the Secretary as to opinion of the proposed undertaking and its plan of incorporation it would seem that it can be safely left to the registrar to satisfy himself that if incorporation certificate is granted the capital will be paid in cash within 90 days after issue of certificate for the amount of 25 per cent of the authorized capital stock.

SEC. 5 (c). (The Secretary shall * * * issue a certificate of incorporation * * * if * * *)—

"He finds that such corporation will aid in developing markets in China for goods produced in the United States."

This clause is to be amended as follows:

"He finds that such corporation will aid in developing trade between China and the United States."

EXPLANATION.

It is obvious that companies may be formed under the China trade act for the development of industrial activities, shipping, etc., in China which will serve only indirectly as a medium for development of markets in China for goods produced in the United States. The Secretary may take a liberal view at pleasure as to the intent of this clause in issuing certificates of incorporation, but it would seem desirable to have it definitely corrected to what should be the phrasing.

It is held that any development in China of trade under the China trade act incorporation laws will undoubtedly help to promote, directly or indirectly, markets in China for goods produced in the United States of America, and that therefore there can be no objection to plainly stating that so long as trade generally is promoted between the United States and China the justification for incorporation under the act exists.

Section 6 (b) reads (a China trade act corporation):

"may have a corporate seal and alter it at pleasure."

This clause is to be amended as follows:

"Shall have a corporate seal registered with the Secretary and may alter it with the approval of the Secretary."

EXPLANATION.

In China the seal of a corporation is regarded as highly important in documents connected with contracts, titles, mortgages, etc. The Chinese lay great stress on the proper use of seals, as they regard the seal of chops of very much more importance than is customary in business in America. It is therefore obviously necessary for a corporation to possess a corporate seal.

It is highly undesirable, and might leave an opening for fraud at times, if a corporation could change its seal at pleasure, and a provision to have the seal of a China trade act corporation registered with the Secretary, and only to be altered with the approval of the Secretary, is therefore sound for commercial working in China. Any party desiring to satisfy himself as to the correctness of the seal to a document of a China trade act corporation may then verify name at the office of the registrar, who would hold the registry of seals on behalf of the Secretary.

SEC. 7. "Each share of the original or any subsequent issue of stock of a China trade act corporation shall be issued at par value only. * * *."

This clause is to be amended to read as follows:

"Each share of the original or any subsequent issue of stock of a China trade act corporation shall be issued at not less than par value."

EXPLANATION.

It is obvious that corporations under the China trade act may desire to issue stock at above par value, and it would not seem reasonable to have provisions under such act to prevent them from doing so.

SEC. 9 (b). (The by-laws may provide):

"The number, qualifications, and manner of choosing and fixing the tenure of office and compensation of all directors, but the number of such directors shall not be less than three, and a majority of the directors and a majority of the officers holding the office of president, treasurer, or secretary, or a corresponding office, shall be citizens of the United States resident in China:"

This clause is to be amended as follows:

"The number, qualifications, and manner of choosing and fixing the tenure of office and compensation of all directors; but the number of such directors shall not be less than three. The president and a majority of the directors, as also the treasurer or any corresponding officer, shall at their place of residence be persons subject to the laws of the United States."

EXPLANATION.

It is highly desirable that the president and treasurer or equivalent officers of any China corporation under the China trade act shall at their place of residence be persons subject to the laws of the United States in order that companies shall be at all times subject to the control of the United States Court for China, or the Supreme Court of the District of Columbia, or the Federal district court of any district in which the corporation may have its principal office. This might not be the case if the president or treasurer or the equivalent officers were Chinese resident in China and sought to evade such control, thereby creating complications which might adversely affect American business generally.

It is also just as desirable that a majority of the directors of a China trade act corporation shall at their place of residence be persons subject to the laws of the United States.

SEC. 10. (a) "Within six months after the issuance of the certificate of incorporation of a China trade act corporation there shall be held a stockholders' meeting either at the principal office or a branch office of the corporation. Such meeting shall be called by a majority of the directors named in the articles of incorporation and each stockholder shall be given at least 90 days' notice of the meeting, either in person or by mail. The holders of two-thirds of the voting shares shall constitute a quorum at such meeting authorized to transact business. At this meeting or an adjourned meeting thereof a code of by-laws for the corporation shall be adopted by a majority of the voting shares represented at the meeting."

This clause is to be amended to read as follows:

"Within six months after the issuance of the certificate of incorporation of a China trade act corporation there shall be held a stockholders' meeting at the principal office of the corporation. Such meeting shall be called by a majority of the directors named in the articles of incorporation, and each stockholder shall be given at least 90 days' notice of the meeting either in person or by mail. The holders of two-thirds of the voting shares, or their authorized representatives, shall constitute a quorum at such meeting to transact business. At this meeting or an adjourned meeting thereof a code of by-laws for the corporation shall be adopted by a majority of the voting shares at the meeting."

EXPLANATION.

It would be highly undesirable to have any stockholders' meeting held at a branch office, as it might result in acts which would possibly injure interests of stockholders and be prejudicial to American business as represented by China trade act corporations.

The provision that two-thirds of the voting shares shall be represented at the first stockholders' meeting to be held under this clause is sound, but it should provide also that if the stockholders themselves can not be present they may be represented by authorized representatives. This is necessary because it is quite conceivable that a company may be formed with one-half of the stock owned in the United States and the other one-half in China, in which case a corporation could not hold a stockholders' meeting with the holders of two-thirds of the voting shares present, and, therefore, provision must be made that they can have authorized representatives at such meeting.

SEC. 12 (a). "For the purposes of this act the fiscal year of a China trade act corporation shall correspond to the calendar year. The corporation shall make and file with the registrar, in such manner and form and at such time as shall be by regulation prescribed, a report of its business for each such fiscal year and of its financial condition at the close of the year. The corporation shall furnish a true copy of the report to each of its stockholders."

This clause is to be amended by adding after the last word, "stockholders," the words: "duly audited by approved auditors as prescribed by the Secretary."

EXPLANATION.

In the China trade act no provision is made for proper audit of accounts of companies operated thereunder, and it is hardly to be expected that the registrar will have at his disposal machinery whereby he can verify the correctness of accounts published by China trade act companies or statements with him concerning accounts of such companies.

If, however, duly accredited auditors, approved by the Secretary or by the registrar, verify to the correctness of the accounts of the companies, the registrar may in the ordinary course of working be justified in accepting same as bona fide.

This provision will also serve to deter unscrupulous corporation officials from issuing financial statements which do not represent a true condition of affairs.

Sections 21 to 27, dealing with matters coming under the revenue act of 1921, are so complicated in their provisions as to be practically unworkable from a business standpoint in handling the affairs of any corporation working under the China trade act in China. As expert knowledge of the revenue act of 1921 is necessary in order to formulate amendments, it is simply proposed to put it to Mr. L. C. DYER to have the clauses amended by experts in Washington, so as to make China trade act companies free of income taxation on profits earned in China.

The original provisions in bill H. R. 16043, which were incorporated into bill H. R. 4810, and which passed the House of Representatives on two separate occasions by a considerable majority, contained satisfactory provisions regarding freedom from income taxation. A copy of said provisions is hereto appended.

It is desirable to have these provisions which were passed on the basis of the revenue act of 1918 amended to fit the revenue bill of 1921, but otherwise to endeavor to carry through said provisions as per bill H. R. 4810, section 23.

Features in the phrasing of section 23, H. R. 4810, which need explanation are:

First. The requirement that the corporation shall declare dividends yearly to an amount equal to one-third of net income.

EXPLANATION.

This provision is to prevent injustice being practiced on minority stockholders, who may be Chinese, in that, for instance, a group of business men in the United States might join with Chinese to develop business in China. When such business proves successful, the American stockholders have the majority, control the voting on the basis of "one share one vote," might decide to freeze the minority stockholders out by withholding declaration of dividends, leaving the profits to accumulate in China free of taxation.

This would also be unfair to the interests of the United States Government in that the Treasury would be deprived of the income tax which it should be able to collect from the income paid in the form of dividends to citizens of the United States or to corporations in the United States of America which might hold stock in a China trade act corporation.

In the ordinary working of trade in China it can be considered that corporations usually set aside one-third of their profits in good years to meet possible losses during bad periods of trade. About one-third of profits earned, especially in industrial enterprises, are reinvested in improving their plant and equipment, thus leaving approximately one-third of the profits to be paid in cash in dividends to stockholders. It is noted that the minimum requirement is one-third to be paid in dividends out of profits earned and that it is open to companies to declare larger dividends out of profits.

Second. It is provided that less than 5 per cent of gross income of China trade act companies be derived from sources within the United States.

EXPLANATION.

The theory of operation of corporations under the China trade act is that they shall do business in China, and whilst they may have connections or offices or agents in America for the purchase of goods from the United States of America, or other services, the scope of such representation within the United States of America shall be such that a China trade act corporation will not be enabled to camouflage as operating in China whilst actually earning its profits in operations in the United States of America, thereby evading payment of income taxation by having the benefit of incorporation under the China trade act. This was the reason for the 5 per cent limitation noted and which was simply taken as an arbitrary permissible percentage of profits earnable in the United States of America on business done.

Third. Under the bill H. R. 4810 there is a very definite provision made that the corporation shall render a correct return to the registrar of its payments of dividends, stating the name and address of each stockholder and number of shares owned by him and the amount of dividends paid to him.

EXPLANATION.

The intention of this provision is that whilst the corporation is freed from paying income tax, it shall be open to the income-tax department of the United States Treasury to obtain from the registrar facts pertaining to dividends paid to stockholders who may be subject to income taxation. Therefore it will lie with the Treasurer to collect income tax due under the revenue act, so far as dividends to American stockholders are concerned.

[Extract from bill H. R. 4810, concerning income-tax provisions of the China trade act.]

SEC. 23 (a). That section 231 of the revenue act of 1918 is amended by striking out the period at the end thereof, inserting in lieu thereof a semicolon, and adding a new subdivision to read as follows:

"(15) A corporation organized under the China trade act, 1921, but only if and with respect to any taxable year for which (a) it files a return at the time and place provided in section 241, made in the manner provided in section 239, and containing such information as the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury may by regulation prescribe; (b) it declares dividends during the taxable year in an amount equal to one-third of its net income, the payment of which *not later than 60 days after the close of such taxable year* is assured in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may require; (c) it derives less than 5 per cent of its gross income from sources within the United States; and (d) the Secretary of Commerce certifies to the Commissioner of Internal Revenue that during the taxable year the corporation in all respects has complied with the provisions of the China trade act, 1921, and regulations made thereunder. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make all regulations necessary for the determination of such exemption and of the liability of shareholders or members to taxation in respect to dividends paid by such corporation."

(b) Section 1 of the revenue act of 1918 is amended by adding at the end thereof a new paragraph to read as follows:

"A corporation organized under the China trade act, 1921, shall for the purposes of this act be considered a domestic corporation."

(c) Sections 232, 233, and 234 of the revenue act of 1918 are amended by inserting in each of such sections after the words "corporation subject to the tax imposed by section 230," the words "or organized under the China trade act, 1921."

(d) Section 240 of the revenue act of 1918 is amended by adding at the end thereof a new subdivision to read as follows:

"(d) A corporation organized under the China trade act, 1921, shall not be deemed to be affiliated with any other corporation within the meaning of this section."

(e) Section 254 of the revenue act of 1918 is amended to read as follows:

"SEC. 254. That every corporation subject to the tax imposed by this title, every personal-service corporation, and every corporation organized under the China trade act, 1921, shall when required by the commissioner render a correct return, duly verified under oath, of its payments of dividends, stating the name and address of each stockholder, the number of shares owned by him, and the amount of dividends paid to him."

[NOTE.—The sentence in italic, reading "not less than 60 days after the close of such taxable year," is to be deleted, in view of the fact

that under the China trade act the business year must end on December 31. In China most business actually is figured to be closed out around Chinese New Year, which is somewhere between the end of January and the middle of February, as a rule. It takes about a month thereafter to wind up accounts of any company operating in China, and usually the annual meeting to pass accounts and declare dividends is held in April/May for the financial year supposedly ending the previous 31st of December.]

—

Memorandum of suggestions to the Secretary for admendments to the regulations to be observed by the Department of Commerce officials and registrar in China governing corporations in operation under the China trade act, 1922.

Whilst various minor alterations will necessarily have to follow in the set of rules which have been drawn up in consequence of amendments which the Hon. L. C. DYER may succeed in carrying through in the China trade act, it is especially recommended that the Secretary or registrar shall exercise authority in the matter of appointment of auditors for the auditing of accounts of China trade act corporations.

In this respect it is suggested that clause 12 (a) of the regulations under item 10 shall be amended by making same read: "Duly audited annual report of companies operating under this act." * * *

Section 12 (b) to be called 12 (c), and in place thereof section 12 (b), item 11, to read:

"The authorization for any auditor to certify accounts of companies filing returns as required under section 12 (a), item 10, shall be approved by the Secretary at Washington, D. C., or by the registrar in China, and such authorization may at any time be revoked."

EXPLANATION.

It is open, therefore, for any qualified auditor or firm of auditors to submit record of their qualifications to the Secretary at Washington or the registrar in China to empower them to audit and certify accounts of China trade act companies.

It is naturally to be expected that such authority will not be unreasonably withheld by the Secretary or the registrar, and that such authority would not be revoked without just cause.

I also had valuable help and suggestions touching my work in China from Mr. Frank Rhea, who is the registrar of the China trade act. He submitted some suggestions, which are as follows:

PROPOSED AMENDMENTS OF THE CHINA TRADE ACT, 1922.

(By Frank Rhea, registrar.)

While there has been a considerable number of criticisms of the China trade act, after a careful study of the act the writer feels that the law as a piece of initial legislation is really very much better than is generally appreciated, and that the act is along proper lines fundamentally. Further, it is felt that amendments to the act as it now stands should be largely along constructive lines which will keep in mind the two following principal objects:

First. For the purpose of putting American interests engaging in business in China on an equality with other nationals from the standpoint of individual and corporation taxation.

Second. For the purpose of making the act more workable for all classes of corporations engaging in business in China, and thus extending its usefulness and simplifying its enforcement as compared with some of the provisions which, from this standpoint, will entail a handicap on American interests doing business in China.

AMENDMENT NO. 1.

SEC. 4 (a). "Three" (instead of "*five*") or more individuals (hereinafter in this act referred to as "incorporators"). * * *

REASONS FOR AMENDMENT.

This amendment is desirable to enable smaller concerns to incorporate without taking in unnecessary incorporators who would in many instances be, in effect, dummies. Such an amendment will require only one class of China trade act corporations.

The British corporations are divided into two general classes, one class coming under the Hongkong companies ordinances, which class of companies comes under the control of the British colony of Hongkong. The other class is known as British China companies, and while provision is made for them under the Hongkong companies ordinances they are registered in Shanghai and come under the jurisdiction of the British officials and courts at Shanghai.

In the working of the China trade act we are more interested in the British Orders of Council and the regulations controlling British China companies than we are the working of the Hongkong Ordinance's companies. British China companies can be divided into three general classes when compared with corporations which are authorized under the China trade act. These are as follows:

1. The larger concerns are known as "public companies," which require seven or more participants and such British China companies may make a public offering of their shares and issue a prospectus therefor.

2. The smaller concerns are known as "private companies," which require 2 but not more than 20 participants, and such British China companies are not allowed to make public offerings of their shares or to issue a prospectus therefor.

3. Another class of British China companies can be termed "nonprofit companies." An example illustrating this class is the incorporating of clubs and other similar institutions to give the members and owners the protection of incorporation.

It is felt, if the China trade act is amended as above, it will take care of to the best advantage various classes of American concerns undertaking to do business in China.

AMENDMENT NO. 2.

SEC. 4. (b) * * *. The articles of incorporation shall state—

"(2) The location of its principal office. *The corporation shall maintain in the District of Columbia an accredited agent with power to accept legal service.*"

Instead of ("*which shall be in the District of Columbia*").

REASONS FOR AMENDMENT.

There may also be China trade act corporations which may find it more advantageous to maintain their principal office in New York, San Francisco, Seattle, or some other place coming under the jurisdiction of American courts. Therefore to make the China trade act the greatest benefit to concerns engaging in business within China such a handicap as requiring such companies to have their principal office in China or the District of Columbia should not be imposed.

AMENDMENT NO. 3.

SEC. 4. (b). * * * The articles of incorporation shall state—

[NOTE.—The part in brackets and in italic to be cut out.]

"The names and addresses of individuals, a majority of whom are citizens of the United States [*and at least one of whom is a resident of the District of Columbia, to be designated by the incorporators*], who shall serve as temporary directors.

REASONS FOR AMENDMENT.

The present reading of the act does not make clear whether this is a temporary requirement for the purpose of incorporation or whether such a director in Washington is to be permanent. In either event no advantage to anyone is attained by a China trade act corporation having its principal office and a resident director in the District of Columbia which can not be attended to by any accredited agent in the District of Columbia, but the maintaining of its principal office and a resident director in the District of Columbia would unduly handicap China trade act corporations engaging in business within China in competition with other nationals which are not so restricted by being required to maintain such unnecessary officers and directors.

AMENDMENT NO. 4.

SEC. 4. (b) * * * The articles of incorporation shall state—

"(7) The fact that an amount equal to 25 per cent of the amount of the authorized capital stock has been in good faith subscribed and *will be* paid in cash *within 90 days after issue of certificate of incorporation* * * *."

REASONS FOR AMENDMENT.

In the development of China trade act corporations it no doubt will be a handicap at times to call for the full payment of the initial capital before completion of incorporation and the issue of a certificate of incorporation. This in instances would make difficult the raising of the initial cash capital. It would mean at times the tieing up of capital for periods before such capital would be needed in the development of the project. This would result in a handicap to American interests competing with other nationals in China. There seems no good reason why regulations could not be promulgated so such an arrangement for the complete payment of the initial capital when permissible could not be fully safeguarded.

In connection with the above suggestion, an alternative arrangement, which in some instances would have considerable advantage to the incorporators, would be the issuing of a preliminary certificate of incorporation, and after the incorporators had complied with prescribed regulations the final issue of certificate of incorporation by the secretary would be made conditional on the full payment of the initial capital. This would be particularly advantageous in cases of companies which were reincorporating, necessitating the liquidation of the original corporation, which in some instances may take a considerable period.

AMENDMENT NO. 5.

SEC. 5. (c) "The Secretary shall * * * issue a certificate of incorporation * * * if * * * he finds that such corporation will aid in developing *trade between* China *and* the United States."

Instead of—

"he finds that such corporation will aid in developing (markets in China for goods produced in) the United States."

Again referring to the entitlement of the act as "An act to authorize the creation of corporations for the purpose of engaging in business within China" is certainly a much broader aspect than "the development of markets in China *for goods produced in the United States.*" Some of the other nationals are doing a very considerable variety of business in China, and American interests should be accorded the same opportunity under an equality of opportunity.

AMENDMENT NO. 6.

SEC. 6. (b) Shall have a corporate seal *registered with the Secretary* and *may only* alter it *with the approval of the Secretary.*

Instead of—

"*May* have a corporate seal and alter it *at pleasure.*"

REASONS FOR AMENDMENT.

A corporation's seal is a matter of importance in properly viséing a corporation's documents. This is particularly the case in transacting business in China. "Chops," as seals are usually called in China, have more importance attached to them than in the United States. It is therefore desirable that a China trade act corporation's seal should not be changed except when the corporation shows valid reasons for such change, and such changes should then be made in accordance with reasonable regulations which can be complied with without any handicap on the corporation's operations.

The regulations for Hongkong ordinance companies and British China companies have the following regulations regarding the use of a company's seal:

"The seal of a company shall not be affixed to any instrument except by the authority of a resolution of the board of directors, and in the presence of at least two directors and of the secretary or such other person as the directors may appoint for the purpose; and those two directors and secretary or other person as aforesaid shall sign every instrument to which the seal of the company is so affixed in their presence."

AMENDMENT NO. 7.

SEC. 7. Each share of the original or any subsequent issue of stock of a China trade act corporation shall be issued at *not less than* par value * * *.

REASONS FOR AMENDMENT.

The reason for this amendment is that it is thought to be a proper restriction that a company shall not issue its stock at less than par value, but there appears to be no good reason why a China trade act corporation should not be allowed to sell its stock at a premium if it is able to do so. This may especially apply to concerns already established in China who, it is presumed, will not be allowed to include intangible values such as "good will" or "going concern" in their property-value statements. This, however, brings up the question as to China trade act corporations issuing prospectuses as to sale of their shares. There is no doubt that the issuing of a prospectus of a China trade act corporation for the sale of its shares should conform to reasonable regulations prescribed by the Secretary, as is the case with prospectuses issued by British China companies in connection with the inviting of the public to subscribe for the purchase of their shares. Shares when sold at a premium should, of course, be accounted for in the corporation's balance sheet according to conven-

tional accounting regulations, such as, for example, as prescribed by the Interstate Commerce Commission in their railway accounting regulations.

AMENDMENT NO. 8.

SEC. 9. (a) The by-laws *shall* (instead of *may*) provide:

(b) "The number, qualifications, and manner of choosing and fixing the tenure of office and compensation of all directors; but the number of such directors shall not be less than three, and a majority shall be citizens of the United States. *The president and the treasurer or equivalent officer or officers shall be citizens of the United States or shall at their place of residence be persons subject to the laws of the United States.*"

Instead of—

"* * *, and a majority of the directors (*and a majority of the officers holding the office of president, treasurer, or secretary, or a corresponding office, shall be citizens of the United States resident in China:*)"

REASONS FOR AMENDMENT.

In my opinion, it is imperative that the head and treasurer of a China trade act corporation, regardless of how the positions may be entitled, be persons amenable to the laws of the United States. This is necessary for the reason that business in China to a great extent is handled by what is known as the No. 1 man. Such No. 1 men dominate and control the policy of such concerns. Therefore it is essential that such officials, together with the treasurer of China trade act corporations, be amenable to the laws of the United States. The point may be made that such positions should be limited to citizens of the United States, but it is felt that this in some instances may be an undue restriction and that with proper regulations and supervision this additional restriction need not prevail.

AMENDMENT NO. 9.

SEC. 10. (a) [NOTE.—Part in italic to be added, and part in brackets in italic to be eliminated.]

"Within six months after the issuance of the certificate of incorporation" of a China trade act corporation there shall be held a stockholders meeting [*either*] at the principal office [*or a branch office*] of the corporation. Such meeting shall be called by a majority of the directors named in the articles of incorporation, and each stockholder shall be given at least 90 days' notice of the meeting either in person or by mail. The holders of two-thirds of the voting shares, *or their authorized representatives*, shall constitute a quorum at such meeting [*authorized*] to transact business * * *."

REASONS FOR AMENDMENT.

The occasion for this amendment is that the act as it now stands provides that the stockholders' meeting may be held at the principal office or a branch office. It is felt that the stockholders' meeting should be held at the corporation's principal office wherever that may be located.

The law also apparently provides only for voting of stock by actual owners, whereas concerns of the wide holding of stock, which no doubt will prevail in cases with China trade act corporations, will make it extremely difficult to get together at the principal or any other office the actual holders of two-thirds of the voting shares. Therefore it is felt that as a practical working proposition proxy voting of shares should be authorized.

AMENDMENT NO. 10.

SEC. 12 (a) "* * *. The corporation shall furnish a true copy of the report to each of its stockholders *duly audited by approved auditors, as prescribed by the Secretary.*"

REASONS FOR AMENDMENT.

The act as it now stands does not provide for the auditing of the annual reports of China trade act corporations. An audit of annual reports is definitely provided for in connection with British China corporations. As pertinent to this situation, attention is called to Treasury Department Order 3408, approved November 2, 1922, and reading in part as follows:

"Every taxpayer carrying on the business of producing, manufacturing, purchasing, or selling any commodities or merchandise, * * * shall for the purpose of determining the amount of income under the revenue act of 1921 keep such permanent books of accounts or reference, including inventories, as are necessary to establish the amount of gross income and deductions, credits, and other information required by an income-tax return * * * of the revenue act of 1921 * * *."

It is obvious that a China trade act corporation's annual return should be properly audited, but I feel, as registrar, that it would be neither desirable or practical to have this audit a part of my work. An audit in some instances may be inconvenient to China trade act corporations, but with reasonable regulations I do not think would be a sufficient hardship to warrant it not being required. The reports of British China companies are required to be audited by approved accountants who are British subjects. A regulation which would require China trade act corporations' reports to be audited only by American accountants might in instances, at least, be a considerable handicap on China trade act corporations. Therefore it is felt that the secretary should be given rather broad authority as to the approval of accountants for auditing annual returns of China trade act corporations.

AMENDMENT NO. 11.

SEC. 21. That section 231 of the revenue act of 1921 is amended by striking out the period at the end thereof, inserting in lieu thereof a semicolon, and adding a new subdivision to read as follows:

"(15) A corporation organized under the China trade act, 1922, but only if and with respect to any taxable year for which (a) it files a return at the time and place providtd in section 241, made in the manner provided in section 239, and containing such information as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation prescribe; (b) it declares dividends during the taxable year in an amount equal to one-third of its net income the payment of which is assured in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may require; (c) it derives less than 5 per cent of its gross income from sources within the United States; and (d) the Secretary of Commerce certifies to the Commissioner of Internal Revenue that during the taxable year the corporation in all respects has complied with the provisions of the China trade act, 1922, and regulations made thereunder. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make all regulations necessary for the determination of such exemption, and of the liability of shareholders or members to taxation in respect to dividends paid by such corporation."

REASONS FOR AMENDMENT.

If American business in China is to be put on an "equality of opportunity" basis with the business of other nationals, particularly British, this part of the act will have to be amended to relieve China trade act corporations from taxes as corporations on business done within China, as is the case with British China companies.

If the above statement is correct, what is, then, the correct test for immunity from Federal corporation taxes by China trade act corporations to attain the above "equality of opportunity"?

As far as China trade act corporations' immunity from Federal corporation taxes is concerned, this "equality of opportunity" can be attained under the revenue act of 1921 by amending section 231 of that act as above suggested, which is identical with the provisions of House of Representatives bills 4810 and 16043, except part (b) is changed to cut out the part inclosed in brackets and underscored as follows:

"(b) It declares dividends during the taxable year in an amount equal to one-third of its net income the payment of which [*not later than 60 days after the close of such taxable year*] is assured in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may require."

In making the above suggestion I am aware that this amendment would require the regulations for the enforcement of this part of the act to be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury rather than conforming to the other parts of the China trade act, 1922, putting the regulations in the hands of the Secretary of Commerce. As this part of the law, however, deals directly with Federal taxation, it would no doubt be better that the regulations be prescribed by the Treasury Department to be carried out in cooperation with the Department of Commerce, as was apparently the intent of the framers of this part of the act in House bill 4810. Further, I see no reason why, by proper cooperation between the Treasury Department and the Department of Commerce, the arrangement can not be made practicable and workable.

In recommending the above amendment it seems both pertinent and permissible to call attention to the fact that British China companies are not subject to the United Kingdom corporation taxes, nor are British China companies subject to taxes in the British Crown colony of Hongkong. It is true that British China companies pay an annual fee, but this is at a rate which can be considered nominal. Section 7 (4) of the Hongkong companies ordinance, 1915, provides for the payment of an annual fee at the rate of $0.04, Mexican, for each hundred dollars of paid-up capital by British China companies on or before the 31st day of January each year.

Hongkong ordinances companies pay no United Kingdom corporation taxes, but they do pay taxes in the Crown colony of Hongkong. There are, however, no corporation taxes; and, in fact, the taxes paid by Hongkong ordinances companies, while in excess of British China companies, is still nominal as compared with the United Kingdom corporation taxes.

AMENDMENT NO. 12.

SEC. 21. (This amendment in reality would be an addition to the act, and no draft is submitted.)

REASONS FOR AMENDMENT.

While amendment No. 11 would put China trade act corporations as corporations on an equality with British China companies as corporations, it would not put shareholders, either individuals or corporations, on an equality with shareholders, either individuals or corporations, of British China companies.

If the above is true, then there is a further test needed for "equality of opportunity" as between shareholders of China trade act corporations and shareholders of British China companies. First, it is necessary to determine what immunity from income taxes is accorded shareholders, either individuals or corporations, of British China companies. The liability of shareholders in British China companies to British taxation can be epitomized as follows:

"Shareholders, either individuals or corporations, in British China companies, not resident in the United Kingdom, are not chargeable with income tax on dividends paid by such companies.

"Shareholders in British China companies, individuals or corporations, when resident in the United Kingdom, are chargeable with income tax on dividends paid to them irrespective of whether such dividends be remitted to the United Kingdom or kept elsewhere."

If the above statements are correct, then it would appear that the proper test of incidence of the tax is—

"Where does the recipient reside?" and not "Where are the profits kept?"

In my study during the past two years of what arrangements could be made for encouraging American interests to engage in business within China I have become fully convinced of the necessity of, according to American interests, relief from Federal taxation which would put them on an equality with British interests engaged in business within China. To assure myself, however, that my understanding of the situation was correct, I took the liberty of asking Consul General Cunningham, of Shanghai, to secure for me information from sources to which I knew he had access, regarding the incidence of income tax of British shareholders in China companies, and he answered me in the following cogently stated summaries:

(a) A British "China" company, not being resident or carrying on business in the United Kingdom is, as a company, not chargeable with income tax on the company's annual net profit.

(b) British subjects, shareholders in British China companies, not resident in the United Kingdom are not chargeable with income tax on dividends paid by such companies.

(c) British subjects resident in the United Kingdom are chargeable with income tax on dividends paid to them as shareholders in China companies irrespective of whether such dividends be remitted to the United Kingdom or kept elsewhere.

The test of incidence of the tax is, "Where does the recipient reside?" and not "Where are the profits kept?"

It is therefore obvious that if American business interests engaging in business in China are to be put on an equality with British interests engaging in business in China, there will have to be two amendments to the China trade act, 1922; the first in substance as outlined by amendment No. 11, and an additional amendment in substance as described in "reasons for amendment No. 11."

It is felt the statement is warranted that the present revenue act of 1921 already provides that Federal income taxes will be collected from shareholders of China trade-act corporations, individuals, or corporations resident in the United States. The problem therefore is to amend the China trade act, 1922, and the revenue act of 1921 so that Federal corporation taxes will not be imposed on China trade-

act corporations and also so that Federal income taxes will not be imposed on the shareholders (individuals or corporations) of China trade-act corporations resident in China.

AMENDMENTS NOS. 13 TO 18.

If amendments equivalent to those suggested by Nos. 11 and 12 are to prevail, then it will be necessary to amend sections 22 to 27 to conform with the China trade act so amended and the various sections of the revenue act of 1921.

In order that it may be plain as to just how the amendments proposed may affect the China Trade Act, 1922, I am including a copy of that law so that those interested may be able to make comparisons in their study of the recommendations herein made:

CHINA TRADE ACT, 1922.

[Public—No. 312—67th Cong.]

An act (H. R. 4810) to authorize the creation of corporations for the purpose of engaging in business within China.

Be it enacted, etc., That this act may be cited as the "China trade act, 1922."

DEFINITIONS.

SEC. 2. When used in this act, unless the context otherwise indicates—

(a) The term "person" includes individual, partnership, corporation, and association;

(b) The term "China" means (1) China, including Manchuria, Thibet, Mongolia, and any territory leased by China to any foreign government; (2) the Crown Colony of Hongkong; and (3) the Province of Macao;

(c) The terms "China trade act corporation" and "corporation" mean a corporation chartered under the provisions of this act;

(d) The term "Federal district court" means any Federal district court, the United States Court for China, and the Supreme Court of the District of Columbia;

(e) The term "Secretary" means the Secretary of Commerce; and

(f) The term "registrar" means the China trade act registrar appointed under section 3.

REGISTRAR.

SEC. 3. The Secretary is authorized to designate as China trade act registrar an officer of the Department of Commerce. The official station of the registrar shall be in China at a place to be designated by the Secretary. All functions vested in the registrar by this act shall be administered by him under the supervision of the Secretary, except that upon appeal to the Secretary, in such manner as he shall by regulation prescribe, any action of the registrar may be affirmed, modified, or set aside by the Secretary as he deems advisable.

ARTICLES OF INCORPORATION.

SEC. 4. (a) Five or more individuals (hereinafter in this act referred to as "incorporators"), a majority of whom are citizens of the United States, may, as hereinafter in this act provided, form a District of Columbia corporation for the purpose of engaging in business within China.

(b) The incorporators may adopt articles of incorporation which shall be filed with the Secretary at his office in the District of Columbia and may thereupon make application to the Secretary for a certificate of incorporation in such manner and form as shall be by regulation prescribed. The articles of incorporation shall state—

(1) The name of the proposed China trade act corporation, which shall end with the legend "Federal (Inc.) U. S. A.," and which shall not, in the opinion of the Secretary, be likely in any manner to mislead the public;

(2) The location of its principal office, which shall be in the District of Columbia;

(3) The particular business in which the corporation is to engage;

(4) The amount of the authorized capital stock, the designation of each class of stock, the terms upon which it is to be issued, and the number and par value of the shares of each class of stock;

(5) The duration of the corporation, which may be for a period of not more than 25 years, but which may, upon application of the corporation and payment of the incorporation fee, be successively extended by the Secretary for like periods;

(6) The names and addresses of individuals, a majority of whom are citizens of the United States and at least one of whom is a resident of the District of Columbia, to be designated by the incorporators, who shall serve as temporary directors; and

(7) The fact that an amount equal to 25 per cent of the amount of the authorized capital stock has been in good faith subscribed and paid in cash, or, in accordance with the provisions of section 8, in real or personal property which has been placed in the custody of the directors.

(c) A China trade act corporation shall not engage in the business of discounting bills, notes, or other evidences of debt, of receiving deposits, of buying and selling bills of exchange, or of issuing bills, notes, or other evidences of debt, for circulation as money; nor engage in any other form of banking business; nor engage in any form of insurance business.

CERTIFICATE OF INCORPORATION.

SEC. 5. The Secretary shall, upon the filing of such application, issue a certificate of incorporation certifying that the provisions of this act have been complied with and declaring that the incorporators are a body corporate, if (a) an incorporation fee of $100 has been paid him, (b) he finds that the articles of incorporation and statements therein conform to the requirements of, and that the incorporation is authorized by, this act, and (c) he finds that such corporation will aid in developing markets in China for goods produced in the United States. A copy of the articles of incorporation shall be made a part of the certificate of incorporation and printed in full thereon. Any failure, previous to the issuance of the certificate of incorporation, by the incorporators or in respect to the application for the certificate of incorporation, to conform to any requirement of law which is a condition precedent to such issuance, may not subsequent thereto be held to invalidate the certificate of incorporation or alter the legal status of any act of a China trade act corporation, except in proceedings instituted by the registrar for the revocation of the certificate of incorporation.

GENERAL POWERS.

SEC. 6. In addition to the powers granted elsewhere in this act, a China trade act corporation—

(a) Shall have the right of succession during the existence of the corporation;

(b) May have a corporate seal and alter it at pleasure;

(c) May sue and be sued;

(d) Shall have the right to transact the business authorized by its articles of incorporation and such further business as is properly connected therewith or necessary and incidental thereto;

(e) May make contracts and incur liabilities;

(f) May acquire and hold real or personal property, necessary to effect the purpose for which it is formed, and dispose of such property when no longer needed for such purposes;

(g) May borrow money and issue its notes, coupon or registered bonds, or other evidences of debt, and secure their payment by a mortgage of its property; and

(h) May establish such branch offices at such places in China as it deems advisable.

SHARES OF STOCK.

SEC. 7. Each share of the original or any subsequent issue of stock of a China trade act corporation shall be issued at par value only, and shall be paid for in cash or in accordance with the provisions of section 8 in real or personal property which has been placed in the custody of the directors. No such share shall be issued until the amount of the par value thereof has been paid the corporation; and when issued, each share shall be held to be full paid and nonassessable; except that if any share is, in violation of this section, issued without the amount of the par value thereof having being paid to the corporation, the holder of such share shall be liable in suits by creditors for the difference between the amount paid for such share and the par value thereof.

SEC. 8. No share of stock of a China trade act corporation shall, for the purposes of section 7 or of paragraph (7) of subdivision (b) of section 4, be held paid in real or personal property unless (1) a certificate describing the property and stating the value at which it is to be received has been filed by the corporation with the Secretary or the registrar in such manner as shall be by regulation prescribed, and a fee to be fixed by the Secretary or the registrar, respectively, to cover the cost of any necessary investigation has been paid, and (2) the Secretary or the registrar, as the case may be, finds and has certified to the corporation that such value is not more than the fair market value of the property.

BY-LAWS.

SEC. 9. The by-laws may provide—

(a) The time, place, manner of calling, giving notice, and conduct of, and determination of a quorum for the meetings, annual or special, of the stockholders or directors;

(b) The number, qualifications, and manner of choosing and fixing the tenure of office and compensation of all directors; but the number of such directors shall be not less than three, and a majority of the directors and a majority of the officers holding the office of president, treasurer, or secretary, or a corresponding office, shall be citizens of the United States resident in China; and

(c) The manner of calling for and collecting payments upon shares of stock, the penalties and forfeitures for nonpayment, the preparation of certificates of the shares, the manner of recording their sale or transfer, and the manner of their representation at stockholders' meetings.

STOCKHOLDERS' MEETINGS.

SEC. 10. (a) Within six months after the issuance of the certificate of incorporation of a China trade act corporation there shall be held a stockholders' meeting either at the principal office or a branch office of the corporation. Such meeting shall be called by a majority of the directors named in the articles of incorporation and each stockholder shall be given at least 90 days' notice of the meeting either in person or by mail. The holders of two-thirds of the voting shares shall constitute a quorum at such meeting authorized to transact business. At this meeting or an adjourned meeting thereof a code of by-laws for the corporation shall be adopted by a majority of the voting shares represented at the meeting.

(b) The following questions shall be determined only by the stockholders at a stockholders' meeting:

(1) Adoption of the by-laws;

(2) Amendments to the articles of incorporation or by-laws;

(3) Authorization of the sale of the entire business of the corporation or of an independent branch of such business;

(4) Authorization of the voluntary dissolution of the corporation; and

(5) Authorization of application for the extension of the period of duration of the corporation.

(c) The adoption of any such amendment or authorization shall require the approval of at least two-thirds of the voting shares. No amendment to the articles of incorporation or authorization for dissolution or extension shall take effect until (1) the corporation files a certificate with the Secretary stating the action taken, in such manner and form as shall be by regulation prescribed, and (2) such amendment or authorization is found and certified by the Secretary to conform to the requirements of this act.

(d) A certified copy of the by-laws and amendments thereof and of the minutes of all stockholders' meetings of the corporation shall be filed with the registrar.

DIRECTORS.

SEC. 11. The directors designated in the articles of incorporation shall, until their successors take office, direct the exercise of all powers of a China trade act corporation except such as are conferred upon the stockholders by law or by the articles of incorporation or by-laws of the corporation. Thereafter the directors elected in accordance with the by-laws of the corporation shall direct the exercise of all powers of the corporation except such as are so conferred upon the stockholders. In the exercise of such powers the directors may appoint and remove and fix the compensation of such officers and employees of the corporation as they deem advisable.

REPORTS AND INSPECTION OF RECORDS.

SEC. 12. (a) For the purposes of this act the fiscal year of a China trade act corporation shall correspond to the calendar year. The corporation shall make and file with the registrar, in such manner and form and at such time as shall be by regulation prescribed, a report of its business for each such fiscal year and of its financial condition at the close of the year. The corporation shall furnish a true copy of the report to each of its stockholders.

(b) The registrar shall file with the Secretary copies of all reports, certificates, and certified copies received or issued by the registrar under the provisions of this act. The Secretary shall file with the registrar copies of all applications for a certificate of incorporation and certificates received or issued by the Secretary under the provisions of this act. All such papers shall be kept on record in the offices of the registrar and the Secretary, and shall be available for public inspection under such regulations as may be prescribed.

DIVIDENDS.

SEC. 13. Dividends declared by a China trade act corporation shall be derived wholly from the surplus profits of its business.

REVOCATION OF CERTIFICATE OF INCORPORATION.

SEC. 14. The registrar may, in order to ascertain if the affairs of a China trade act corporation are conducted contrary to any provision of this act, or any other law, or any treaty of the United States, or the articles of incorporation or by-laws of the corporation, investigate the affairs of the corporation. The registrar, whenever he is satisfied that the affairs of any China trade act corporation are or have been so conducted, may institute in the United States Court for China proceedings for the revocation of the certificate of incorporation of the corporation. The court may revoke such certificate if it finds the affairs of such corporation have been so conducted. Pending final decision in the revocation proceedings the court may, at any time, upon application of the registrar or upon its own motion, make such orders in respect to the conduct of the affairs of the corporation as it deems advisable.

SEC. 15. (a) For the efficient administration of the functions vested in the registrar by this act, he may require, by subpœna issued by him or under his direction, (1) the attendance of any witness and the production of any book, paper, document, or other evidence from any place in China at any designated place of hearing in China, or, if the witness is actually resident or temporarily sojourning outside of China, at any designated place of hearing within 50 miles of the actual residence or place of sojourn of such witness, and (2) the taking of a deposition before any designated person having power to administer oaths. In the case of a deposition the testimony shall be reduced to writing by the person taking the deposition or under his direction, and shall then be subscribed by the deponent. The registrar, or any officer, employee, or agent of the United States authorized in writing by him, may administer oaths and examine any witness. Any witness summoned or whose deposition is taken under this section shall be paid the same fees and mileage as are paid witnesses in the courts of the United States.

(b) In the case of failure to comply with any subpœna or in the case of the contumacy of any witness before the registrar, or any individual so authorized by him, the registrar or such individual may invoke the aid of any Federal district court. Such court may thereupon order the witness to comply with the requirements of such subpœna and to give evidence touching the matter in question. Any failure to obey such order may be punished by such court as a contempt thereof.

(c) No person shall be excused from so attending and testifying or deposing, nor from so producing any book, paper, document, or other evidence on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing as to which, in obedience to a subpœna and under oath, he may so testify, except that no person shall be exempt from prosecution and punishment for perjury committed in so testifying.

(d) For the efficient administration of the functions vested in the registrar by this act, he, or any officer, employee, or agent of the United States authorized in writing by him, shall at all reasonable times for the purpose of examination have access to and the right to copy any book, account, record, paper, or correspondence relating to the business or affairs of a China trade act corporation. Any person who upon demand refuses the registrar or any duly authorized officer, employee, or agent such access or opportunity to copy, or hinders, obstructs, or resists him in the exercise of such right, shall be liable to a penalty of not more than $5,000 for each such offense. Such penalty shall be recoverable in a civil suit brought in the name of the United States.

SEC. 16. In case of the voluntary dissolution of a China trade act corporation or revocation of its certificate of incorporation, the directors of the corporation shall be trustees for the creditors and stockholders of the corporation; except that upon application to the United States Court for China by any interested party, or upon the motion of any court of competent jurisdiction in any proceeding pending before it, the court may in its discretion appoint as the trustees such persons, other than the directors, as it may determine. The trustees are invested with the powers, and shall do all acts, necessary to wind up the affairs of the corporation and divide among the stockholders according to their respective interests the property of the corporation remaining after all obligations against it have been settled. For the purposes of this section the trustees may sue and be sued in the name of the corporation and shall be jointly and severally liable to the stockholders and creditors of the corporation to the extent of the property coming into their hands as trustees.

REGULATIONS.

SEC. 17. (a) The Secretary is authorized to make such regulations as may be necessary to carry into effect the functions vested in him or in the registrar by this act.

(b) That the Secretary is authorized to prescribe and fix the amount of such fees (other than the incorporation fee) to be paid him or the registrar for services rendered by the Secretary or the registrar to any person in the administration of the provisions of this act. All fees and penalties paid under this act shall be covered into the Treasury of the United States as miscellaneous receipts.

PENALTIES.

SEC. 18. No stockholder, director, officer, employee, or agent of a China trade act corporation shall make, issue, or publish any statement, written or oral, or advertisement in any form, as to the value or as to the facts affecting the value of stocks, bonds, or other evidences of debt, or as to the financial condition or transactions, or facts affecting such condition or transactions, of such corporation if it has issued or is to issue stocks, bonds, or other evidences of debt, whenever he knows or has reason to believe that any material representation in such statement or advertisement is false. No stockholder, director, officer, employee, or agent of a China trade act corporation shall, if all the authorized capital stock thereof has not been paid in, make, issue, or publish any written statements or advertisement, in any form, stating the amount of the authorized capital stock without also stating as the amount actually paid in a sum not greater than the amount paid in. Any person violating any provisions of this section shall, upon conviction thereof, be fined not more than $5,000 or imprisoned not more than 10 years, or both.

SEC. 19. No individual, partnership, or association, or corporation not incorporated under this act or under a law of the United States shall engage in business within China under a name in connection with which the legend "Federal Inc. U. S. A." is used. Any person violating this section shall, upon conviction thereof, be fined not more than $1,000 for each violation.

JURISDICTION OF SUITS AGAINST CORPORATION.

SEC. 20. That the Federal district courts shall have exclusive original jurisdiction of all suits (except as provided by the act entitled "An act creating a United States court for China and prescribing the jurisdiction thereof," approved June 30, 1906, as amended) to which a China trade act corporation, or a stockholder, director, or officer thereof in his capacity as such, is a party. Suit against the corporation may be brought in the United States Court for China, or in the Supreme Court of the District of Columbia, or in the Federal district court for any district in which the corporation has an agent and is engaged in doing business.

FEDERAL TAXATION.

SEC. 21. Title II of the revenue act of 1921 is amended by adding at the end thereof a new section to read as follows:

"CHINA TRADE ACT CORPORATIONS.

"SEC. 264. (a) That for the purpose only of the tax imposed by section 230 there shall be allowed, in the case of a corporation organized under the China trade act, 1922, a credit of an amount equal to the proportion of the net income derived from sources within China (determined in a similar manner to that provided in section 217) which the par value of the shares of stock of the corporation owned on the last day of the taxable year by individual citizens of the United States or China resident in China bears to the par value of the whole number of shares of stock of the corporation outstanding on such date: *Provided*, That in no case shall the amount by which the tax imposed by section 230 is diminished by reason of such credit exceed the amount of the special dividend certified under subdivision (b) of this section.

"(b) Such credit shall not be allowed unless the Secretary of Commerce has certified to the commissioner (1) the amount which, during the year ending on the date of filing the return, the corporation has distributed as a special dividend to or for the benefit of such individuals as on the last day of the taxable year were citizens of the United States or China resident in China and owned shares of stock of the corporation, (2) that such special dividend was in addition to all other amounts, payable or to be payable to such individuals or for their benefit by reason of their interest in the corporation, and (3) that such distribution has been made to or for the benefit of such individuals in proportion to the par value of the shares of stock of the corporation owned by each, except that if the corporation has more than one class of stock, the certificate shall contain a statement that the articles of incorporation provide a method for the apportionment of such special dividend among such individuals, and that the amount certified has been distributed in accordance with the method so provided.

"(c) For the purposes of this section shares of stock of a corporation shall be considered to be owned by the person in whom the equitable right to the income from such shares is in good faith vested.

"(d) As used in this section the term 'China' shall have the same meaning as when used in the China trade act, 1922."

SEC. 22. Subdivision (b) of section 230 of the revenue act of 1921 is amended to read as follows:

"(b) For each calendar year thereafter 12½ per cent of the amount of the net income in excess of the credits provided in sections 236 and 264."

SEC. 23. Subdivision (f) of section 238 of the revenue act of 1921 is amended by adding after the figures "262" the word and figures "or 264."

SEC. 24. Subdivision (c) of section 240 of the revenue act of 1921 is amended by adding at the end thereof a new sentence to read as follows: "A corporation organized under the China trade act, 1922, shall not be deemed to be affiliated with any other corporation within the meaning of this section."

SEC. 25. That section 2 of the revenue act of 1921 is amended by adding at the end thereof a new paragraph to read as follows:

"(12) A corporation organized under the China trade act, 1922, shall, for the purposes of this act, be considered a domestic corporation."

SEC. 26. Subdivision (b) of section 213 of the revenue act of 1921 is amended by striking out the period at the end of paragraph (12) thereof and inserting in lieu thereof a semicolon, and by adding after paragraph (12) a new paragraph to read as follows:

"(13) In the case of an individual, amounts distributed as dividends to or for his benefit by a corporation organized under the China trade act, 1922, if, at the time of such distribution, he is a citizen of China resident therein and the equitable right to the income of the shares of stock of the corporation is in good faith vested in him."

SEC. 27. Subdivision (a) of section 216, paragraph (6) of subdivision (a) of section 234, and paragraph (3) of subdivision (a) of section 245, of the revenue act of 1921, are amended by inserting in each after the word and figures "section 262" a comma and the words "and other than a corporation organized under the China trade act, 1922."

RESERVATION OF RIGHT TO AMEND.

SEC. 28. The Congress of the United States reserves the right to alter, amend, or repeal any provision of this act.

Approved, September 19, 1922.

While my trip to China was primarily in the interest of the China trade act, 1922, other matters were called to my attention by Americans resident in China. I include statements given to me by the American Association of China and the Associated American Chambers of Commerce of China. They are as follows:

THE AMERICAN ASSOCIATION OF CHINA,
Shanghai, February 6, 1923.

Hon. L. C. DYER, M. C.,
Washington, D. C.

DEAR SIR: The American Association of China, cooperating with the American Chamber of Commerce, is preparing data on United States consular buildings and property in China, and in the course of a few months this information will be placed before every Senator and every Member of Congress in pamphlet form.

Knowing of your peculiar interest in American effort in China, we desire to call to your attention certain facts which will be included in this pamphlet. We are sure that the appended information which sets forth the deplorable condition of American consular buildings, the disadvantages under which consular officials labor, and the advantages enjoyed by other powers with diplomatic representation will convince

you of the crying need for legislation to provide sufficient funds whereby the United States of America can take her place with other countries.

Since you have been in China you have been struck with the inadequate provisions made for our diplomatic representatives. You have seen the disgraceful structures which house our American consular offices.

The United States maintains 20 consular stations in China. Of the 20, the buildings which house the staff for 8 stations are a positive disgrace to the richest country in the world. The Japanese, British, and even the German consular representatives are luxuriously housed and have ample property and conveniences for their diplomatic representatives.

There is no need to emphasize to you who have been in contact with the nations of the Orient the impression made on a people such as the Chinese by dignified and imposing consular buildings. Prestige or "face" in the Orient, even more than in the western world, is valued by dollars and cents. The Government's policy of providing no adequate quarters for use in China is as near-sighted from a standpoint of business as of statesmanship. In every old consular district enough money, and in some cases several times enough, has been paid out as would suffice to purchase a strategic site and erect dignified buildings.

Shanghai: In Shanghai the Government owns property. The location and the buildings compare favorably with the consulates of other powers in this most important commercial center, but the buildings are so defective that it is very difficult to find anything stable enough to tie in the walls. The brickwork is cracked all over and plastering is falling off, due to a rupture in the main brick wall of the exterior of the buildings in many places, so that the essential fabric of the building is unsuitable and even unsafe. The building would probably be condemned by the Shanghai municipal building inspector's office as not complying with the city regulations if same came under its inspection and supervision.

Canton: In Canton, the oldest station in China, the consular premises are about the least creditable, whereas American interests are very extensive, and special political considerations exist which make it particularly important for the Government representation to be maintained in a dignified manner. Canton embraces a consular district of 35,000,000 people, in population one-third as large as the territorial United States. It is the economic assembly and trade district of 50,000,000 people. It is a city of primal political importance. Yet the building occupied by the United States Government in Canton is old, poorly arranged, and inadequate in size. It is on the smallest lot on the island of Shamien, where the commercial foreign community is located. The building is a grotesque looking structure, three stories high, containing but six rooms. It is infested with white ants which causes a constant peril to the irreplaceable records of this the oldest American consulate in China. The consul general's offices occupy a block of land 270 by 281 feet. The British consular property in Canton is valued at $275,000 United States currency. French consular property is valued at $87,000 United States currency. The prestige of the United States of America has suffered in the eyes of millions of southern Chinese by our Government's neglect to furnish adequate consular quarters.

Hankow: The Hankow consular district aggregates an area of 950,000 square miles, equivalent to that of the United States east of the Mississippi River. The population of the district is 90,000,000, or twice that of all South America. The total trade of Hankow in 1920 amounted to $210,000,000, United States currency, and is exceeded only by Shanghai. The consular building in Hankow is quite old and will probably have to be rebuilt soon, as the main walls have become unsafe. The annual rental is gold $3,750, and the lessor pays all the municipal taxes.

There are no other suitable quarters that can be rented for the Government's use. The property occupied is the only available one on the water front, and there is no other district where the Government offices could be advantageously situated. Land values have been steadily advancing, and the cost of building and labor is constantly increasing. There are five properties available for purchase, and it would be necessary to erect buildings thereon for offices and residence of staff. We recommend that Congress appropriate $150,000 for a site and buildings in Hankow, in order that we may be represented properly in that city, where, if anywhere, money spent by the Government in upholding the national character will insure good returns. Here, as in other cities, the Chinese often judge the strength, worth, and dignity of a nation by the offices and residences of its representatives.

Tientsin: The large residence and office building occupied by our Government's representative at Tientsin, now under lease to 1930, should be purchased. We have the most creditable and imposing consulate in Tientsin, and if the property was secured it would represent an investment which the United States Government would be fully justified in making.

Hongkong: In Hongkong it is not practicable to have consular offices and the residence of the consul general and his staff in the same building owing to the topography of the island on which it is built. The need here is for a consular building as the residence of the consul general. Suitable sites are available and land and grading would cost $18,000. The building could be erected at a cost of $55,000, Hongkong currency. The representative of the United States Government at present is obliged to live at a hotel or to move every few months from one rented house to another.

Tsinan: Tsinan is not one of the American consulate stations now crying for decent premises. Notwithstanding the failure of Congress to make appropriation and the law which prevents long-term leases of consulate premises, entirely adequate premises have been secured by the consul as a matter of personal effort. These quarters should be made the permanent home of the American consulate. The building is held by lease to the present consul personally for 10 years, and a clause has been inserted in the lease which gives the consul the right to purchase for the Government at any time within this period at its certified cost plus architect's fees. The British maintain a very pretentious establishment costing about $100,000, Mexican currency. The German consulate property at Tsinan is worth $250,000, Mexican currency. The Japanese consulate general buildings and land are valued at about $150,000, Mexican currency.

Chefoo: The United States Government has paid G$15,000 in rent for a building in Chefoo which could have been purchased for G$4,000. The present lease expires in April, 1923, and if renewed, higher rent will be demanded. For G$45,000 adequate and dignified premises can be secured.

Amoy: At Amoy purchase of the land just back of the consulate establishment is essential, for, if sold to Chinese, the present consular quarters would become untenable. Purchase of land, now consular quarters, the demolition of the present establishment, and terracing and reconstruction of retaining walls could be done for $35,000 or $40,000 gold.

Foochow: At Foochow the present consular premises have been occupied as an American consulate for 30 years. They are entirely suitable, and our Government would have done well to have bought them, which it could have done up to within a year ago when they were sold to the director general of posts. They must be vacated on October 1, 1924. There is not now for rent any building which would be suitable. The best plan would be to buy land and build suitable consular buildings, which could be obtained for $30,000 gold.

A suitable place, provided it could be leased at all, would command a rental of approximately $1,800 gold a year. The Government could borrow money at 5 per cent, and if another 1 per cent could be added for insurance, the investment would be exactly the same as if we rented, while we would still be the owners.

Antung: In the city of Antung the representatives of the American Government live in a low-class Chinese house. The immediate surroundings of the consulate are the most miserable of coolie houses one could find in China and countless pigsties. No other foreigners in Antung live among such filth. These premises are owned by Japanese and are rented at a yearly lease. The commissioner of the Chinese maritime customs, an official ranking below the consular representative, resides in a building which cost $50,000. The same amount was spent for the land upon which it was built. The Japanese consulate cost $40,000 to build 10 years ago. The Japanese are now building a new consulate which will cost 300,000 yen for the building alone.

Yunnanfu: The American consulate at Yunnanfu has been opened less than a year, and the consular representatives are in temporary quarters pending the completion of a house which has been rented as the consulate. The present incumbent has been able to procure one of the best houses in the city. Here the situation is a difficult one, as it is practically impossible to build a foreign house, as the contractors only know native construction. The British, French, and Japanese occupy rented quarters in Chinese-style buildings, and the British and French own land. A suitable building for an American consulate at Yunnanfu could be erected for $20,000, and another $5,000 would suffice for necessary improvements to the land. Now is the time to secure a suitable plot of ground, as land is rapidly advancing in value.

Mukden: The American consul general at Mukden occupies two buildings formerly used by the Russian diplomatic representatives. The buildings are owned by the Chinese provincial government, who built them 10 years ago especially for Russian consular officers, and they are quite satisfactory, comparing favorably with either the British or Japanese consulate general. The property is leased.

The Government has purchased an excellent site, approximately 40 mow in area. The Standard Oil Co. advanced the money for its purchase. Both the British and Japanese Governments own their property, the consular buildings in both cases being a credit to their Governments. An expenditure of $50,000, United States currency, would be sufficient for American consular needs in Mukden.

Nanking: Nanking, the ancient capital of China and the present capital of Kiangsu, the richest and one of the most important Provinces in China, is the second city in political importance in China.

The American consular quarters there consist of an old-fashioned brick house with a galvanized-iron roof, containing sufficient space for the present needs of the office and for residential quarters for the consul, but provide no accommodations for a vice consul. The building is in a fair condition but in no way modern. It is rented from the provincial government for about a quarter of its value. There are no other quarters at all suitable for consular purposes which could be rented. Suitable premises could be purchased within the next year or two for a fraction of what they will cost 8 or 10 years hence.

The American Government should erect its own building in Nanking, for the tenure of the present premises is uncertain. If a governor hostile to the United States came to Nanking, he could readily force the consul to vacate. For an expenditure of from Mexican $75,000 to $100,000, land can be secured and a suitable building erected in the district in which are located the British consulate (property valued at $179,277), customs, and postal commissioners, and many of the other important foreign officials. The French Government is at present working on plans for buildings to be erected near the British consulate, having purchased land already.

Tsingtau: At Tsingtau the American consulate occupies an ideal building, it having been erected in 1912, following an arrangement made between a German resident and the consul, the consul taking over the building on a 10-year lease upon its completion. It is in the best residential quarter, conveniently located to the business section, hotels, and Government offices, and the site is one of the best in Tsingtau. The building is not pretentious, but is adequate, pleasing, and dignified. The problem for Tsingtau is to return the premises acquired. The American Government must soon face the problem of buying the property now occupied or of vacating it and taking up other rented premises not nearly as desirable at a high rental. Land value and building costs in Tsingtau have increased enormously in recent years, and the property has been repeatedly appraised at Mexican $50,000. This price was recently offered to the present American owner by a Japanese, but under an agreement with the owner the American Government has first option to purchase. The property has been offered to the American Government for $50,000, local currency, but, of course, congressional action is necessary.

It is urged that the American Government take steps to purchase the property, as houses are extremely difficult to obtain in Tsingtau. Rentals are very high, and suitable quarters other than those now occupied do not exist.

We Americans in business, professional, or religious work in China believe that if the case for adequate consular quarters in this country is presented to the United States Congress in a proper way that the necessary action will follow. We are sure that your peculiar interest in China will prompt you to cooperate with us in our efforts to secure for our Government suitable and adequate properties for our diplomatic representatives.

Respectfully yours,

THE AMERICAN ASSOCIATION OF CHINA.
DR. W. T. FINDLEY, *President.*

ADDRESS OF MR. J. HAROLD DOLLAR, PRESIDENT OF THE ASSOCIATED AMERICAN CHAMBERS OF COMMERCE OF CHINA, DELIVERED AT A LUNCHEON IN SHANGHAI IN HONOR OF CONGRESSMAN DYER ON JANUARY 17, 1923.

Mr. Dollar's speech, in part, was as follows:

It is needless for me to say that all commercial interests in China are glad to welcome Mr. DYER back to China. Although we are not

residents of Mr. DYER'S home district in St. Louis, we all feel he is really our Representative in Congress, because of the great amount of work which he devoted to the China trade act in our behalf. We are perfectly frank in stating to you, Mr. DYER, that we do not believe the China trade act could have ever become a law had you not devoted so much of your time and energies to it.

Although the act has not been in force long enough for us to be able to express an expert opinion regarding its workings, we do know that it constitutes the legislative foundation for a new development of American commerce in this part of the world.

It is now more than two years since you were in China, and in view of the fact that you have returned to investigate the American trade situation here, with a view to introducing further legislation in Congress for the development of commerce between this country and the United States, I am sure you will be interested in a brief recital of some of the activities of the American Chamber of Commerce of China.

Last October we held a meeting in Shanghai of representatives of the American Chambers of Commerce of Hankow, Tientsin, and Peking and formed a central organization representing all American commercial interests in China, which is known as the Associated American Chambers of Commerce of China. We hope that this has placed us in a better position to make our voice heard in Washington and in commercial circles in the United States.

Although you come to China with introductions from President Harding, Secretary Hughes, and Secretary Hoover to investigate matters arising under the operation of the China trade act, we are going to take advantage of the great opportunity presented to us by your presence to acquaint you with a number of other matters affecting American business interests at this time.

The first matter that we desire to bring to your attention is the China trade act and to urge upon you the necessity of certain amendments which we believe necessary to make the act of the greatest possible advantage to American business in China. We are working on the assumption that the China trade act is but a beginning and we are to keep up our efforts if we are to catch up with our strong rivals who have been in the field for a longer period than we have. The British Government, for example, has enacted a whole set of regulations controlling the development of British business in this part of the world, and a published set of their regulations would fill a good-sized library shelf. You will see, therefore, that you have a considerable job ahead of you if you are going to include China in your congressional district. We have had a special committee of the chamber, composed of Messrs. Seitz, Fesseden, and Powell, working on the matter of amendments and additions to the China trade act, and their recommendations will be presented to you before you depart from Shanghai.

The other matters which we desire to bring to your attention arise through the carrying into force of the various treaties and resolutions adopted at the Washington conference. The first is the matter of extraterritoriality. You are probably familiar with the fact that the American Government made a treaty with China several years ago whereby we agreed to relinquish our extraterritorial rights when China has developed a judiciary system which we feel would provide ample protection for American interests. Other nations have similar treaties.

At the Washington conference a resolution was adopted providing for an international commission of jurists to visit China in the fall of this year for the purpose of making investigations. Since the relinquishment of our extraterritorial rights is a matter of tremendous interest and importance to every American citizen residing and having property in this part of the world, we want to urge upon the administration the importance of sending to China a man of the very highest qualifications in order that he may be both competent and free to make an impartial investigation of this subject, which will carry weight with the American Government.

The next matter which we desire to bring to the attention of the American Government is the special tariff conference which is to be held in China this spring in order to revise the Chinese tariff. Practically all of China's foreign financial obligations are secured upon the revenues of the maritime customs, and as a result the customs is administered largely by European nationals holding the obligations. Since the revision of the tariff will result in China's receiving additional revenue, we believe that this offers an opportunity for placing American obligations and finance in China upon a surer footing than is now the case. For this reason we are also recommending that our Government send to China the strongest possible commission to represent the interests of our merchants upon the conference which will revise the customs revenues.

The Chinese Government, owing to the unsettled political situation, has defaulted upon American loans and obligations for equipment supplied to the extent of probably (Mexican) $50,000,000 or $60,000,000, and unless the United States Government pays closer attention to the situation here we are afraid that American business will be entirely eliminated from this field.

There has recently been organized at Peking a committee representing American creditors of the Chinese Government, chiefly American firms that have sold materials to the Chinese Government, and for which no substantial payments have been received for more than a year. This committee has compiled a tremendous amount of information dealing with the financial situation in Peking, and we hope, Mr. DYER, when you go to Peking you will be able to get in touch with that committee and study their activities, as you can assist American interests considerably by furthering their work. Mr. Carl Seitz, a member of this chamber, is planning to accompany you to Peking in order to help you in any way possible in obtaining information on matters which you may be interested in.

Another matter which we desire to bring to your attention is the refund of the balance of the American share of the Boxer indemnity, which we understand amounts to about $15,000,000 in American currency.

The total amount of the American share of the Boxer indemnity was approximately $24,000,000, but in 1906 the American Government returned $10,000,000 of this, which China has used in the education of her young men and women in American colleges and universities. This policy, we believe, has been of tremendous benefit both to China and the United States, and for this reason we believe that the balance of the indemnity should be returned to China for educational purposes.

We believe, however, that the return of this money should be accompanied by a very definite understanding with the Chinese Government covering the expenditure of the money, possibly under the direction of an American committee in order that we may be assured that it will be used for the purpose intended and not used in military adventures.

We also believe that the return of the balance of the American share of the Boxer indemnity offers an opportunity for the American Government to enter into a definite understanding with the Chinese Government covering American financial obligations in this country, to the end that we may have protection such as that given by China to other outside nations.

Mr. DYER, as you are probably aware, China is now in a serious condition owing to the unsettled political situation. At the Washington conference friendly nations did everything possible to help China in the organization of a stable government. In addition to the action of the various nations at the conference, the American Government has itself done practically everything possible to assist in the reunification of the country. One special matter in this connection is an American embargo upon the shipment of arms and munitions of war into China. This regulation is being strictly enforced, and we are hoping that other nations will take similar action, to the end that Chinese people may settle their internal affairs in their own way, without outside interference, as speedily as possible.

Our Government also have a well-established policy that no American loans be extended to China for political purposes. This policy meets with the hearty approval of the Chinese people, as well as of the American residents in this country, and we trust our Government will maintain it.

There is a number of other matters which our committee will probably bring to your attention before you leave, but this is sufficient to give you some idea of how we intend to take advantage of your welcome presence here.

In addition to members of the American Chamber of Commerce of Shanghai, we also have present to-day the officers and many of the members of the American Association of China, the oldest American organization in this part of the world. The activities of the American association are along the same lines as those of our own organization except that the chamber is naturally more interested in purely business questions. The two organizations are cooperating fully upon all the matters which we have presented to you to-day.

Mr. TILSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the timely and interesting subject of lame ducks.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD on the subject of poultry. [Laughter.]

Mr. BLANTON. Reserving the right to object, how many hundred pages will it take in the RECORD?

Mr. TILSON. It will not take more than one.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. TILSON. Mr. Speaker, a few days ago this House considered and rejected a bill for the protection of migratory game birds. It was not altogether clear just what was the controlling reason for its rejection, but it may have been because of a gross discrimination against a certain well-known species of migratory game birds. I have read the bill quite carefully and find no reference to "lame ducks." Surely they are migratory, the greatest migration from this region occurring about March 4 in each odd year of the calendar, and usually they are quite game.

As a rule no impediment is perceptible in their movements, and to the casual observer they are not readily distinguishable from the rest of the species. They are, however, readily singled out by newspaper sports and other would-be sports, and there is no closed season for them until the last one has disappeared.

Only a few years ago there were occasional isles of safety and other places of refuge from which there seems to be a present tendency to exclude them, so that they now need and deserve more protection than any variety of migratory game birds included in the bird bill.

Politically speaking, a "lame duck" is a person who, while holding an elective office, tries for a reelection and is defeated. Of late years there seems to be growing a decided tendency to regard anyone who has been defeated for reelection as having been weighed in the balance and found wanting; as having been repudiated upon his record and permanently discredited.

As a corollary to this it is assumed that his selection for an appointive position would be a gross impropriety, in effect an affront to the people as a whole, because he has failed to receive a plurality vote of a particular constituency. This theory is built upon the false assumption that the majority is always all-wise and all-good and that the individuals composing the majority cast their votes with complete knowledge and perfect understanding. A bare statement of such a proposition is sufficient refutation of it.

I take the broad ground that failure to receive a reelection has no necessary connection with or relation to qualifications or fitness for the position held or for any other position of public trust. We have only to let our minds run back over the list of those who have failed to secure reelection during our respective terms of service in this House and compare them with their successful competitors to realize that in fully an equal number of instances the one elected is in no wise the superior of the one defeated. Comparisons are said to be odious—Dogberry said they are odorous—so I shall not attempt to furnish instances for comparison, but shall leave that to be done in-

dividually by my hearers and am willing to risk my case upon the outcome of such a comparison.

What are the reasons in the vast majority of cases for the defeat of public officials seeking reelection? Let us run over in our minds the cases we are most familiar with and see whether we can not dismiss fully half of them as instances where neither the record nor the qualifications of the one seeking reelection were a controlling factor. Local conditions or a general trend in no wise related to the individual official most concerned will in a very large proportion of cases be found to be responsible.

Take the two congressional elections of 1920 and 1922 as illustrations. In 1920 an unusual number of strong, capable Democratic Members of Congress were defeated for reelection. Why? No one can fairly say that individually they were responsible for it. In most cases they ran ahead of their ticket, indicating that they were dragged down to defeat by the ticket. We all know that this was true in a great number of cases.

The election of 1922 is almost as good an illustration. There was the usual reaction of an offyear following a landslide. Even more potent were local conditions, where extraneous issues were brought in, which in a large number of cases proved decisive, but which were in no legitimate way connected with the election or rejection of Members of Congress. Again candidates for reelection were defeated in unusual numbers; this time mostly Republicans, for there were few Democrats left in 1920; but an examination of the election returns reveals the very interesting fact that in a large proportion of these cases the defeated candidate for Congress received more votes than his ticket, indicating that local conditions and a general trend were decisive against him, in spite of the fact that a substantial number of discriminating voters, by singling him out for an increased vote, recognized the qualifications of the one seeking reelection. It is also obvious that party considerations, regardless of the individual, must always cut a major figure. Ours is a Government by parties. If there is to be the cohesive solidarity so necessary for the effective carrying out of party programs, each individual is but a unit in the party organization and his political fortunes are largely, if not entirely, determined by those of his party. In fact, it may be said generally that the voters themselves, as a rule, do not mean to discredit the individual who fails of reelection.

Assuming, however, that in each case a majority of the voters in each constituency deliberately willed and intended to decide by their votes that a new man should be substituted for the incumbent, do they mean thereby to discredit the latter? By no means. There may be some particular service apparently paramount at the moment which they believe that the new man can perform more effectively than the incumbent. Often the voters are mistaken as to this, and upon coming to realize it often show their regret by reversing their decision at the first opportunity. Often the voters are misled by promises so at variance with any possibility of performance that the successful candidate making them ought to be prosecuted criminally for obtaining goods under false pretenses. Talk about defeat under such circumstances discrediting a man! The people who prove themselves so gullible as to swallow such bait are the ones who are discredited.

One of the best illustrations of the fact that defeated candidates are not really discredited and that the people in general do not so regard it occurred since some of us have been Members of this House. In all fairness the prize for being the lamest duck that ever swam in the pond should be awarded to my own most distinguished constituent, our present able and beloved Chief Justice of the Supreme Court. By all the absurd rules of the game which are now being taught Mr. Taft should have been considered the most discredited man who ever held high office. After an overwhelming victory in 1908 he ran for a second term in 1912 and received the electoral vote of only 2 small States out of the 48 States. Did the people of the country take the view of it that he was utterly and forever discredited? Emphatically they did not, for they realized the conditions that then prevailed. He was a good sport, taking his defeat philosophically. The result was that from the moment he left the presidential chair no one in America was more loved, honored, and respected or so much in demand as a public speaker as was he, and it was worth more than the price of admission to hear his inimitable chuckle in referring to the decisiveness of his defeat.

The position he had filled was so exalted and his ability so conspicuous that there was no danger of its failing to be recognized, as it has been so signally and deservedly. In the case, however, of less conspicuous public servants, equally faithful and capable in their sphere, there is always grave danger that the silly cry of "lame duck" and the false inference it carries may not only do injury to the one toward whom it is directed, but there is a greater danger that the public interests may suffer even more by being deprived of the services of able men to whom conspicuous previous experience has given superior training and qualifications.

Our history is filled with instances of "lame ducks" not only recovering from their lameness but later soaring to even greater heights of useful service. To mention only a few comparatively recent instances: McKinley was a "lame duck" in 1890, and elected President in 1896. Grover Cleveland went politically lame in 1888, but was returned to the White House in 1892. Our much revered colleague, Uncle JOE CANNON, who now retires by his own volition, was only slightly interfered with in his record length of distinguished service in this House by two slight attacks of political lameness. Our greatly beloved former colleague, the late Speaker Clark, died a "lame duck," thus terminating an illustrious record and depriving the country of further notable public service which he would doubtless have rendered had he lived. Does anyone think for a moment that he was discredited by the American people by reason of his defeat in 1920? If so, that person should think again and think more intelligently. Champ Clark will ever stand out as one of the great characters in American history.

It has often been said that republics are ungrateful, and in many cases this doubtless is true; but ingratitude reaches the point of absurd folly as well as cruelty when those who have served the public faithfully and well in high positions of responsibility are singled out, without reason, for exclusion from further public service. Bills of attainder are specifically prohibited by the Constitution of the United States, and yet it is sought to impose some of the pains and penalties of attainder upon those who merely fail, with or without good cause or reason, to receive a plurality of the votes of those who happen to go to the polls on election day. It is not often that I rise to commend the public deeds of former President Wilson, but he deserves commendation for his courage in not permitting the inane cry of "lame duck" to frighten him or prevent the appointment, in the face of adverse verdicts at the polls, of men considered by him as capable.

In our very proper zeal in the defense of the people we should not ascribe to them attributes which none of them would claim for themselves. We need not attempt to deny that the people do make mistakes. If the voice of the people were really the voice of God, the problem of popular government would be solved, but we know that this is not true. If one individual made so preposterous a claim for himself he would be laughed at and his claim regarded as blasphemous. Then why should the voice of one more than half of those who happen to vote at a particular election be deemed divine?

In an absolute monarchy the king can do no wrong, because the might of his word makes it right. In the same way the majority in a popular government is always right, for it is for the time being the court of last resort; but just as history has reversed the decisions of monarchs so the sovereign people of free republics do not wait for history, but frequently reverse themselves, as I have pointed out.

When we consider the many and various reasons which may and do cause the defeat of candidates for reelection, we ought to dismiss once and for all any thought that such candidates have been in any wise discredited or that their qualifications for the position to which they failed of reelection or for any other position of public service have been thereby even brought into question.

The fact is that service in Congress or in any other capacity of grave public responsibility is the best possible training for other public service, whether it be legislative, executive, or judicial. Being elected to high office and performing the duties of that office brings one into vital touch with an ever-widening circle of his fellows, and can not fail to help give him that breadth of vision and of human sympathy that best of all fits one for the highest and best character of public service.

Realizing the fickleness of political fortune, let us be fair to "lame ducks." So far as those who are so soon to go from among us are concerned, we know that they have served here faithfully and well. As they take their flight our best wishes go with them. We wish for them whatever may be best of their hearts' desire. If it be surcease from the vicissitudes of political conflict, may they have it, and may they enjoy a well-earned rest. If it be to again take up the fight to come back here or soar to higher altitudes of service, we are with them so far as our party affiliations will permit. Everyone must surely admire a "comeback." As they go, those of us who are left all join in wishing for them good health, happiness, and prosperity, with their full share of all the choicest blessings that Heaven may bestow.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 14050. An act to amend the revenue act of 1921 in respect to income tax of nonresident aliens; and

H. R. 13810. An act to continue the improvement of the Mississippi River and for the control of its floods.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses to the bill and joint resolution of the following titles:

H. R. 13775. An act to amend the revenue act of 1921 in respect to credits and refunds; and

H. J. Res. 422. Joint resolution permitting the entry free of duty of certain domestic animals which have crossed the boundary line into foreign countries.

AUTHORIZING TRANSFER OF CERTAIN VESSELS FROM THE NAVY, ETC.

Mr. BUTLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 4137.

The SPEAKER pro tempore. The gentleman from Pennsylvania moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill which the Clerk will report.

Mr. BLANTON. Mr. Speaker, I ask for a division. I was on my feet.

SEVERAL MEMBERS. Regular order.

The SPEAKER pro tempore. The Chair remembers very distinctly the gentleman from Texas did not demand a division.

Mr. BLANTON. Mr. Speaker, I make the point of order there is no quorum present.

Mr. SANDERS of Indiana. I make the point of order——

The SPEAKER pro tempore. The gentleman from Texas is out of order.

Mr. BLANTON. I appeal from the decision of the Chair.

The SPEAKER pro tempore. The ayes have it, and the gentleman from Connecticut [Mr. TILSON] will take the chair.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 4137, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the Senate bill——

Mr. BLANTON. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Texas rise?

Mr. BLANTON. I rise to a question of constitutional privilege. I guess I was about as loud as the Chair was.

The CHAIRMAN. The gentleman can not raise that question in the Committee of the Whole House on the state of the Union. The Chair recognizes the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BLANTON. I make the point of order there is no quorum present.

The CHAIRMAN. It is perfectly evident there is a quorum present.

Mr. BUTLER. Mr. Chairman, I would ask the Clerk to read.

The Clerk read as follows:

A bill (S. 4137) to authorize the transfer of certain vessels from the Navy to the Coast Guard.

MARINE BAND.

SEC. 14. That the band of the United States Marine Corps shall consist of one leader, whose pay and allowances shall be those of a captain in the Marine Corps; one second leader, whose pay shall be $200 per month and who shall have the allowances of a sergeant major; 10 principal musicians, whose pay shall be $150 per month; 25 first-class musicians, whose pay shall be $125 per month; 20 second-class musicians, whose pay shall be $100 per month; and 10 third-class musicians, whose pay shall be $85 per month; such musicians of the band to have the allowances of a sergeant: *Provided*, That the second leader and musicians of the band shall receive the same increases for length of service and the same enlistment allowance or gratuity for reenlisting as is now or may hereafter be provided for other enlisted men of the Marine Corps: *Provided further*, That the pay authorized herein for the second leader and the musicians of the band shall be effective from July 1, 1922, and shall apply in computing the pay of former members of the band now on the retired list: *Provided further*, That in the event of promotion of the second leader or a musician of the band to leader of the band, all service as such second leader or as such musician of the band, or both, shall be counted in computing longevity increase in pay: *And provided further*, That hereafter during concert tours approved by the President, members of the Marine Band shall suffer no loss of allowances.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. When we passed the Army pay bill that adjusted the pay, not only of the Army, but the Navy, Marine Corps, Coast Guard, Geodetic and Coast Survey, and Health Service, it was the intention of Congress that the salaries so fixed should remain fixed for a considerable length of time and that there should be the same rate of pay in all those respective services. This is the first attempt apparently that is being made to change the pay as laid down in the Army and Navy pay bill. Prior to the enactment of that measure there had been different rates of pay in the respective services, and one of the main purposes accomplished by the joint committee that brought in this Congress the reorganization pay bill was to have harmony in all the respective services for the same character of work. Now, in this omnibus naval affairs bill we have the first attempt to invade the Army and Navy pay bill by singling out the Marine Band for preferential consideration, giving them higher salaries than what the pay bill provides, which would be a warrant for the band of the Military Academy or a warrant for any band in the Army to have increases. Now, I think that is bad practice, and I do not think it should be followed.

Mr. DARROW. Will the gentleman yield?

Mr. STAFFORD. I will yield to the gentleman from Pennsylvania.

Mr. DARROW. When the joint committee was considering the pay bill they put a proviso in there "that nothing in this act shall operate to change in any way the existing laws or regulations made in pursuance of law giving pay and allowances to the Marine Band," the object being to keep their pay exactly as it was. Under a ruling of the comptroller certain allowances which they have been receiving were taken away from them, and this provision is simply to restore the band to the same pay, practically, they were receiving.

Mr. STAFFORD. Oh, this provision goes further. It does not say, as the pay bill provided, that no salary of any officer should be reduced from that which he was then receiving. That was fundamental. It was also fundamental to the pay bill. Now you are attempting to change for all time the salaries of these respective officers of the Marine Band.

Mr. BUTLER. No.

Mr. DARROW. I will say——

Mr. BUTLER. We are rewriting the law in order to get away from a decision of the comptroller that took pay from this band, and it was specially written in the law referred to that nothing in this act shall operate to change existing laws or regulations made in pursuance of law governing the pay and allowances of the Marine Band. I think the Committee should pass this; that will save $85 a year.

Mr. STAFFORD. I would like to have some mathematician from the Committee on Naval Affairs to explain how you are going to save $85 a year when you are going to increase the pay of the second leader to $200 a month and 10 principal musicians to $150 per month and 25 first-class musicians to $125 per month and 20 second-class musicians to $100 a month.

Mr. DARROW. They are going to save $85.66 a month.

Mr. BRITTEN. The gentleman in his opening remarks referred to the pay bill of June 10, 1922. Of course, that pay bill established certain salaries throughout the Army and Navy and Marine Corps, but the comptroller's decision, rendered directly thereafter, reduced the pay of musicians in the Marine Band. This merely restores the pay they had prior to June 10, 1922, with the exception of $85. There is nothing in the act that was intended to reduce their pay, but the comptroller's decision reduced it.

Mr. STAFFORD. This is to apply not only to those who are now in the band, but those who succeed in the service will receive the pay as here established. This bill provides for all time, not for the respective men only now holding the positions.

Mr. DARROW. Mr. Chairman, this provision is simply intended to restore to the band the pay that its members were receiving prior to the passage of the act of June 10, 1922. However, as a matter of fact, it reduced their pay $85.66 per month.

These losses could only be made up in two ways: First, by a law to restore, item by item, the compensation lost to the members of the band through faults in previous laws; second, by a fixing of absolutely new rates and pay for the members of the band. Of the two methods, it seems best to adopt the latter. Accordingly, a law was drafted fixing new basic rates of pay and providing for increases of pay for length of service. In fixing the basic rates the following points were kept in mind: First, to provide a basic rate of pay which with longevity increase would be about the same musicians can earn in civil life; and, second, to bring the pay up to about the same as the band was receiving prior to the passage of the act of June 10, 1922.

Mr. Chairman, I move that all debate on this section and all amendments thereto be now closed.

The CHAIRMAN. The gentleman from Pennsylvania moves that all debate on this section and all amendments thereto be now closed.

Mr. BLANTON. Mr. Chairman, I offer to amend that.

Mr. STAFFORD. I offer to amend it and make it 10 minutes.

The CHAIRMAN. The gentleman from Wisconsin moves to amend the motion to close debate in 10 minutes. The question is on agreeing to the amendment to the motion.

The amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the motion as amended.

The motion as amended was agreed to.

Mr. BLANTON. Mr. Chairman, I move to amend the bill by striking out the paragraph.

The CHAIRMAN. The gentleman from Texas moves to strike out the paragraph.

Mr. BLANTON. Mr. Chairman, it does not make any difference what we have been paying to this band. The question that vitally concerns us and the American people to-night is, What are we providing for in this bill as to their pay? I want to call attention to the provisions of the bill. We provide a Marine Band of 67 men. The leader gets the same compensation as a captain in the Marine Corps. How much is that? Why do they not put it in the bill? He gets $3,600, at least, and maybe $4,000 a year. That is what he gets. The assistant gets $200 per month, with the allowances of a sergeant major in addition. There are 10 principal musicians, who get $150 per month; 25 first-class musicians, who get $125 per month; 20 second-class musicians, who get $100 per month; and 10 third-class musicians, who get $85 a month.

That is what we are providing for in this bill.

What is the service that they render to your constituents and mine? I know. In a few days, when springtime comes, every Wednesday afternoon in front of the Capitol, all during the summer months, they will render pleasant concerts for your ears and mine, and for the ears of the Senators and their friends, and for the ears of the favored citizens of Washington. That is what they will do for us once a week. Then the state receptions come. They furnish splendid music on the White House lawn and they furnish music at other state entertainments.

I know there is a disposition to say, "BLANTON, you are rather close when you object to that." There are fine bands in every State in the Union; but they are not kept up by the Government.

Mr. ROSSDALE. Will the gentleman yield?

Mr. BLANTON Not now. I want to say this, that the taxpayers of this Nation ought not to maintain anything from which they themselves do not derive some benefit. Tell me what benefit your constituents at home receive from this band?

Mr. FOSTER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. If the gentleman can tell us what benefit his constituents receive I will yield.

Mr. FOSTER. My constituents received great benefit when this band participated in the burial of the unknown soldier. [Laughter.]

Mr. BLANTON. Oh, I would not unload that on the unknown soldier. There is more money wasted, there is more money misspent, there is more money needlessly taken out of the people's Treasury in the name of patriotism and in the name of our soldiers in the country than almost anything else. Why do you not come out and say, "We want these concerts"? Why do not you come out and say, "It is a diversion"? Why do you not come out and say, "It is pleasant to our ears"? Why do you not come out and say, "We want it and we are going to take it and make the Government pay for it"?

Mr. MACLAFFERTY. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. MACLAFFERTY. Do you not think we are all getting nervous on the last day of the session? [Laughter.]

Mr. BLANTON. I am trying to keep from getting nervous. I have been working for about 18 hours out of every 24 for the last two weeks.

Mr. MADDEN. Then why do you not go home and go to bed and get a rest? [Laughter.]

Mr. BLANTON. Because I want to stay here and watch you fellows. I want the distinguished gentleman from California, who was the famous three-minute man on the western coast, to go home and tell his people that when he and his friends were in Washington they heard the pleasant strains coming in through the front windows of the Capitol every summer's Wednesday, for which they paid this money of the people, and ask them if they believe in it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. Mr. Chairman, I am not particularly fond of music. This band is as old as the Republic. It is the leading band in America, and provides music for every American whether he likes music or not. [Applause.] This is the band of the Republic that attends any concert or function to which it is invited, whether North or South. It belongs to us all alike and we are proud of it. When the pay bill was written we saw to it that provision was made that the salary of the members of that band would not be disturbed, for the reason that we had deprived them of going out and making money on the side playing for concerts and parties. It was written in the pay bill that nothing therein should operate to change in any way the then existing law governing the pay and allowance of the Marine Band.

The comptroller held for some reason or other, construing the acts of Congress, that the pay of the bandsmen should be reduced, and practically the pay has been cut in two. There is nothing in this bill except to restore the pay as it was before the passage of the law except that in the aggregate the pay of the bandsmen is about $85 per month. The whole scheme is laid out here in this pamphlet and anyone can find the details in the hearings if he wishes to know all the facts. It is the pay that they have had for years, and all we wish to do is to restore to this famous musical company the salary that they had prior to the joint military services pay act.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. All time has expired. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

TEMPORARY RANK.

SEC. 15. That all officers of the Navy and Marine Corps who while holding temporary rank were examined for retirement and found physically incapacitated in the line of duty, and whose temporary appointments were revoked, shall, in all cases where the department has recalled and canceled the letter revoking the temporary appointment, be considered as having been retired in the temporary rank held by them at the time of examination by the retiring board, and shall be entitled to pay on the retired list computed on the pay of such temporary rank from the day their retirement was effective.

Mr. BUTLER. Mr. Chairman, we have discovered, or the Naval Affairs Committee has discovered, after making an examination, that there is some doubt as to the wisdom of this section, and, not to impose on the committee, we are going to move to have it stricken from the bill, so that a further examination may be made. We do not know what it may lead to, and therefore I move to strike it out.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 16, strike out section 15.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

REIMBURSEMENT TO CERTAIN FIRMS, ASSOCIATIONS, AND CORPORATIONS FOR MONEY ADVANCED.

SEC. 17. That the Paymaster General of the Navy is hereby authorized, in his discretion, to make reimbursement to any individual, firm, association, company, or corporation for money advanced on behalf of the Government during the late war to any officer or enlisted man of the naval service on account of pay, if upon presentation of evidence satisfactory to himself it is established that such individual, firm, association, company, or corporation has not heretofore received reimbursement in any way for the money so advanced: *Provided*, That the total amount for the purpose of reimbursement shall not exceed the sum of $35,000.

Mr. KRAUS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 18, at the end of line 9, change the period to a colon and add the following: "*Provided further*, That any amounts thus allowed shall be payable from the appropriation for pay of the Navy granted at the time of settlement."

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I understand that, heretofore, they credit the account to pay officers where they disburse money not authorized by law; but what does this seek to do?

Mr. KRAUS. This does not seek to credit the account of pay officers. By referring to the hearings gentlemen will observe that something over 200 vessels, commercial vessels, had radio operators and gun crews assigned to them; these men were separated from their regular organization. During that period under instructions from the Navy Department—informal instructions—these men from time to time were given small amounts of money as a part of their pay. I think there were 160 vessels of the Shipping Board that made small advances. More than 90 per cent of the amount will go to the Shipping Board to reimburse for expenditures made by captains of its ships.

Mr. STAFFORD. Now that the gentleman has stated the real purpose I recall the report that justifies my opinion of this provision.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

TRAINING DUTY, NAVAL RESERVE FORCE.

SEC. 18. That officers and men of the Naval Reserve who may, upon their own application, under such regulations as the Secretary of the Navy may prescribe, perform training duty for periods of less than 15 days each, may be furnished subsistence in kind or commutation therefor at the rate fixed by law.

That enrolled men of the Naval Reserve may hereafter, in the discretion of the Secretary of the Navy, be confirmed in the lowest enlisted ratings of the naval service without first performing the minimum amount of active service required in the act approved August 29, 1916, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes."

Mr. CHINDBLOM. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. CHINDBLOM: After the last paragraph add a paragraph to read as follows:

"That on and after July 1, 1922, the retainer pay of all men who were on that day transferred members of the Fleet Naval Reserve or the Fleet Marine Corps Reserves shall be computed on rates of pay authorized for enlisted men of the naval service by the act approved June 10, 1922: *Provided*, That the retainer pay of such reservists shall be not less than that to which they were entitled on June 30, 1922, under decisions of the Comptroller of the Treasury in force on that day."

Mr. STAFFORD. Mr. Chairman, I reserve the point of order on the amendment.

Mr. CHINDBLOM. Mr. Chairman, by the act of June 10, 1922, the pay bill for the Army, the Navy, the Marine Corps, the Coast Guard, and so forth, it was provided that nothing contained therein should operate to reduce the pay then being paid to any transferred member of the Fleet Naval Reserve. On that day, June 10, 1922, and on July 1, 1922, when that act went into effect, the transferred members of the Fleet Naval Reserve were getting certain pay, which for a long time had been approved by the Comptroller of the Treasury as well as the Comptroller General's office. Subsequent to July 1, 1922, the Comptroller General, in an opinion to the Secretary of the Navy, held that there had been errors in the prior holdings of the Comptroller of the Treasury. The Comptroller of the Treasury had been passing the payments, and notwithstanding this provision in the act of June 10, 1922, these transferred members of the Fleet Naval Reserve found their pay cut down approximately 25 to 33⅓ per cent. Great hardship was worked, and the persons thus affected have appealed to the Naval Affairs Committee as well as to other Members of Congress. The Chairman of the Committee on Naval Affairs is thoroughly familiar with the subject, and he tells me that he believes the proposition is meritorious.

Mr. BUTLER. Mr. Chairman, the effect of this provision is exactly the same as that with respect to the Marine Band. It was expressly provided in this pay bill that the pay should not be cut. The Comptroller General has cut these men from a third to a half in pay. If you adopt this amendment proposed by the gentleman from Illinois, it will restore these reserve men to the places on the pay roll they held prior to the act of 1922.

Mr. BYRNES of South Carolina. What is the provision of the amendment?

Mr. CHINDBLOM. That they shall get the same pay they received on June 10, 1922.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order.

Mr. CHINDBLOM. Under the permission granted me to extend my remarks, I want to refer to the remarks which I made on this amendment on February 16, 1923, when I offered this amendment to another section of the bill. Those remarks are on page 3813 of the CONGRESSIONAL RECORD for this session.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The Clerk read as follows:

SETTLEMENT OF ACCOUNTS OF DISBURSING OFFICERS OF THE NAVY.

SEC. 19. That the Comptroller General of the United States is hereby authorized and directed to allow in the settlement of accounts of disbursing officers of the Navy amounts credited, prior to his decision of May 20, 1922, as the "highest pay of his grade" to the officers detailed as assistants to the chiefs of Bureaus of Supplies and Accounts and Medicine and Surgery.

Mr. BYRNES of South Carolina. Mr. Chairman, I move to strike out the last word. What is the purpose of that amendment?

Mr. BUTLER. Mr. Chairman, the gentleman from Ohio [Mr. STEPHENS] will make that explanation to the gentleman.

Mr. STEPHENS. Mr. Chairman, this applies to two or three officers who were assistant chiefs of the Bureau of Supplies and Accounts and the Bureau of Medicine and Surgery. Under the law the assistant chiefs of those bureaus are allowed the highest pay of their grade. The officers who were serving as assistant chiefs of the bureau were Pay Director Leutz, Medical Director Pleadwell, Medical Director McCullough. They all had the rank of captain. However, in the grade of pay director there were rear admirals of the upper grade, and in the grade of medical director there were rear admirals of the upper half, and, therefore, in the grades of pay director and medical director the highest pay was being paid to these officers as rear admirals of the upper half. They were given the pay of rear admirals for several years, but the Comptroller General decided that the law meant the pay of their rank as well as their grade, and he disallowed all that had been paid to them, and on his decision they had to draw the pay as captains in the Navy. He decided that that was then their grade instead of getting pay within their rank, which should be the pay of a rear admiral.

Mr. BYRNES of South Carolina. As I understand it, and from statements made to me by the gentleman from Illinois [Mr. BRITTEN], it amounts to a requirement that these officers make a refund to the Treasury of certain amounts.

Mr. STEPHENS. Yes; but I did not get along that far.

Mr. BYRNES of South Carolina. The gentleman has gone far enough to satisfy me.

The Clerk read as follows:

COMMANDER CHARLES O. MAAS.

SEC. 21. That the Secretary of the Navy is authorized to supplement the military record of the late Lieut. Commander Charles O. Maas, Naval Reserve Force, to show the voluntary service performed by said Lieutenant Commander Maas, and accepted by the Navy Department subsequent to the date upon which he was placed on inactive duty, and that such acceptance may be treated as a recall to active service: *Provided*, That no back pay or allowances of any kind shall accrue as a result of the passage of this section.

Mr. STAFFORD. Mr. Chairman, what is the purpose of the great Committee on Naval Affairs in incorporating in this omnibus bill a provision for the relief of a certain individual?

Mr. SWING. Mr. Chairman, I will undertake to answer the gentleman and thank him for the compliment to the committee. This is not an absolutely necessary section without which the Navy can not function, but the Committee on Naval Affairs, great as the gentleman is kind enough to say it is, feels that no injustice to a worthy Navy officer, no matter how small it may be, ought to be permitted to pass unnoticed. These are the circumstances which seemed to us to warrant a correction of the record of this excellent officer.

He enlisted as soon as the war broke out and joined the naval intelligence and was then assigned as naval attaché to our embassy in Paris, where he was doing excellent service; in fact, so excellent that the American Red Cross in France drafted his services and asked the Navy Department to relieve him, so they might have him as their chief counsel. For that purpose the Navy Department put him on the inactive list and he assumed the duties of chief counsel of the Red Cross, but in addition to performing those duties he continued working at night and at odd times with the naval work on which he was engaged at the time he was put on the inactive list, which was writing the history of the naval attachés at the embassy at Paris. He kept a desk in the office of the American Embassy and continued at this official work down to the time of his death.

Mr. STAFFORD. Will the gentleman yield?

Mr. SWING. I will.

Mr. STAFFORD. This is virtually a private act for the benefit of this man——

Mr. SWING. It is an act to repair what would be an injury and injustice to this officer.

Mr. STAFFORD. And many private bills are reported from the gentleman's committee. Why single out this one and incorporate such a private bill in this omnibus bill?

Mr. SWING. Because we think it is meritorious.

Mr. STAFFORD. Is any relative of this man living in the gentleman's district?

Mr. SWING. No; there is no relative living in my district at all. I am interested merely in seeing justice done.

Mr. BYRNES of South Carolina. What is there in the record of the gentleman that you desire to correct by this legislation?

Mr. SWING. It is simply to have it entered in his record that he was actually engaged in the same official work for the Navy that he was engaged in prior to his going to the Red Cross.

Mr. BYRNES of South Carolina. Let me understand. He went into the Red Cross service. Did he die while in that service?

Mr. BUTLER. Let me say——

Mr. BYRNES of South Carolina. Do you want the record to show that he was in the service of the Navy? If he died in the service of the Red Cross he is not performing the other service.

Mr. SWING. He had his desk in the office of the naval attaché, where he was doing a valuable service for the Navy at the time of his death.

Mr. BYRNES of South Carolina. Wait a minute. Was he in the service of the Navy Department at the time he died?

Mr. SWING. He was performing this official service, not——

Mr. BYRNES of South Carolina. Was the man in the Navy Department?

Mr. BUTLER. He only held this Red Cross position about two weeks.

Mr. BYRNES of South Carolina. What is the object in saying the man died in the service if he was performing service for the Red Cross? Is it to merely gratify what might be called a whim of his widow?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I move to strike out the paragraph.

Mr. BUTLER. I do not think the gentleman would do that if he will let me make an explanation. I do not know this man, but I do know that the record shows that he did a splendid service for his Government during the Great War. He was assigned, against his protest, to service with the Red Cross. He was recalled for active duty in the Navy, but before that could be formally done he died, and therefore this is simply to give him the status which he would have had had death not intervened. It is only a bit of sentiment; we provide here that no pay or allowances shall be given him. We would like to do something that really touches the soul of men and that is the reason we reported it. This was brought out simply to have the record corrected to show that this man really died in the service in which he enlisted, and a good sailor he was, too, if he was a man of wealth, and therefore I hope the committee will not strike this section out. The reason is, as I have stated, that it is something that does not touch the pockets of men but their souls. This widow desires to have this record corrected and I ask you to do it.

Mr. BYRNES of South Carolina. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 20, line 8, strike out section 21.

Mr. BYRNES of South Carolina. Mr. Chairman and gentlemen of the committee, I have no interest at all in this amendment, but there is not a man on the floor who does not know this to be true. This man was either in the service of the Navy or he was not in the service of the Navy. No man will state that he was in the naval service. You are asking by this paragraph to say that the man was in the active service of the Navy when the committee says he was not in the service of the Navy. Adopt this and you will find that during the next Congress you will have many requests to have legislation enacted here to correct military records to show that something is true which in fact is not true. Now, what reason exists for this provision? This man died while in the service of the Red Cross. Why correct this record?

One gentleman on the Committee on Naval Affairs said it is to satisfy the whim of the widow. Now, I would love to do that, but if a man dies in the service of the Red Cross he could die in no more honorable service, and his widow should be proud of the record showing that he died in the service of the Red Cross. Why correct the record here and certify that he was in the active service of the Navy, when the chairman of the Committee on Naval Affairs tells you he was in the service of the Red Cross?

Mr. BUTLER. The gentleman has not got it correct.

Mr. BYRNES of South Carolina. If I have not stated it correctly, I would like the gentleman to explain in what respect I have not.

Mr. BUTLER. The order for this man's recall from the Red Cross back into the service of the Navy, in which he enlisted, had been made, but before the record was made up he found himself back in the Navy, where he enlisted, and then he died. I certainly am right on that. I do not think I can be mistaken. Those must be the facts. Of course, it is possible that I am mistaken; but I do not think I am.

Mr. GREENE of Vermont. That does not change the premise upon which the argument is made to strike out the paragraph. The order was issued before it took effect, the fact had not been performed under it, and you are asking to certify a record that was not yet made.

Mr. BUTLER. If there had been a record, we would not be here.

Mr. BYRNES of South Carolina. Yes; if he had died while in the Navy, the record would show it, and we would not be asked to correct it. This gentleman was in the Naval Reserve; he went into the Red Cross service; and in 1919, about six months after the armistice, died, and you are asked to correct the record and show he was in the active service of the Navy.

Mr. BUTLER. It is nothing but sentiment to me. It is only a bit of sentiment, that the records may show that this man died in the service of the Navy. He was detailed to the Red Cross.

Mr. BYRNES of South Carolina. If he was in the service of the Navy, we would not have to correct his record, because the record would show it. You ask us to make the record state that which is not so. If it is done in this case, there is no reason why we should not make similar corrections in other cases.

The CHAIRMAN. The question is on the motion of the gentleman from South Carolina [Mr. BYRNES] to strike out the section.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. BUTLER. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 58, noes 74.

So the motion was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

UNITED STATES NAVY BAND.

SEC. 22. That hereafter the band now stationed at the navy yard, Washington, D. C., and known as the Navy Yard Band, shall be designated as the United States Navy Band, and the leader of this band shall receive the pay and allowances of a lieutenant in the Navy: *Provided*, That all service as an enlisted man in the naval service shall be counted in computing longevity increases for pay of this leader: *Provided further*, That no back pay or allowances shall be allowed to this leader by reason of the passage of this act: *And provided further*, That hereafter during concert tours approved by the President members of the United States Navy Band shall suffer no loss of allowances.

Mr. UPSHAW rose.

The CHAIRMAN. For what purpose does the gentleman from Georgia rise?

Mr. UPSHAW. I move to strike out the last word.

The CHAIRMAN. The gentleman from Georgia moves to strike out the last word.

Mr. UPSHAW. Mr. Chairman and gentlemen of the committee, I got into the Hall just as the debate concerning the Marine Band was closing. I feel like I do not want to let an occasion like this pass without declaring my honest conviction that the spirit that would cauterize the activities and the influence of the Marine Band is only the beginning of that spirit that would stop throwing the light on the beautiful dome of the Capitol every night because of the expense attached thereto. [Applause.]

I am uneasy about the man that inveighs against sentiment. I have never looked upon that light at night on the Capitol without thinking how some men might go back to their constituents and make a campaign for some office on the question of the expense we are put to by throwing light on the Capitol, when it adds nothing perhaps to anybody's bread. It is a high, splendid, sacred, inspiring sentiment that this great Government must not forget. "It was sentiment that bathed Marathon and Platæa in blood. It was sentiment that gave Sparta her living walls." It was sentiment that inspired Luther to preach and Wyckliffe to die. It was sentiment that rang the Liberty Bell and fired the shot at Lexington. It is sentiment, heroic, unselfish sentiment, that has given to the world its freedom and its religion. [Applause.]

We can not afford to be cheap in this great Government concerning those who are trying to instill wholesome sentiment into the minds and hearts of our growing citizenship. This sentiment ought not to stop and this session of Congress ought not to close until we vote adequate salaries for the underpaid teachers of Washington at this time. [Applause.] They are the basic builders of our civilization. [Applause.]

And one other thing: This Congress and this Government can not afford to be little about anything. [Applause.] This Congress can not afford to be little in salaries toward those who work for its uplift and efficiency. As I see these crowded galleries [laughter], and as I see these Members here staying at their posts of duty from 11 o'clock this morning until bedtime. I am increasingly convinced that the bill that I have introduced to-day increasing the salaries of Congress-

men and Senators to $10,000 a year ought to be passed. [Laughter and applause.]

I will tell you this: I came here to Washington with the idea—the virtuous idea—that I would "salt down" half of my salary and save it for future eventualities. I heard Franklin K. Lane say, when I protested against his leaving the Cabinet of President Wilson, "You Congressmen are cowards if you do not raise your salaries." [Applause.]

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. UPSHAW. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. BLANTON. I object.

The Clerk, continuing the reading of the bill, read as follows:

SEC. 24. That any officer of the Marine Corps now in the service shall be credited for all purposes with the actual time served prior to the passage of this act as chief clerk of the commandant of the Marine Corps previous to being commisisoned: *Provided*, That no back pay or allowances of any kind shall be allowed as a result of the passage of this section.

Mr. OLIVER. Mr. Chairman, I move to strike out the last word. In section 24 you are asking Congress to do something that is strictly in violation of the joint pay bill. You are asking that military credit be given for civilian service. This section is intended to advance the retirement of a very able officer, but in doing so you are setting an expensive precedent and one that should not now be established, especially since you have so recently passed a joint pay bill dealing with this whole subject, in which you lay down a uniform rule applicable to all the military services. Congress was very liberal in that bill in allowing officers then in service to claim for every kind of military service, whether actual or constructive.

We wisely refused to allow to any officer credit for civilian service for any purpose, but now you are offering to let civilian service advance an officer for increased retirement pay. Is not that correct?

Mr. BUTLER. Yes; as usual, the gentleman is right.

But I would like very much to have this become a law. It affects only one officer, who is the chief of the bureau in the Marine Corps. I have a feeling for him. He and I began together. He has been 41 years in the service, including the service as chief clerk. He has been 26 years a soldier and has distinguished himself, not only as a quartermaster general, but he made an able soldier on the firing line and has been decorated for bravery in action.

I agree with my friend that it might impinge on four years of the service of General McCauley. I will say that I am going to add an amendment to keep entirely in line with my friend who helped to write the fee bill. I feel like saying to the committee that if General McCauley sees fit to retire, having been 41 years in the service, 26 as a military man—if he sees fit to retire it will bring into the Marins Corps the most efficient man I have ever known in military life, Cyrus Radford, of Kentucky. If General McCauley sees fit to retire it will bring into this bureau a man who has made all the accouterments which the Marine Corps has had for many years. I repeat that no better business man have I ever seen in the marine or civil life than Cyrus Radford.

This is not without precedent before the pay bill was passed. There are several instances I have had collected similar to this, where officers have had the advantage of serving as chief clerk in the bureau and navy yard and in the departments. If the pay bill passes, this is the only man that can be affected.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. OLIVER. I ask for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. OLIVER. Mr. Chairman, I felt that the House should have its attention called to what this section really does. The joint pay bill provides that after July, 1922, no officer in the Navy, Army, Marine Corps, Coast Guard, Geodetic Survey, or Public Health Service shall claim for the purpose of pay, promotion, or retirement any but commissioned service. You gave to officers in the service prior to July, 1922, credit for military service other than commissioned service, but you did not go so far as to give any officer credit for civilian service. I submit that since Congress has so recently established a uniform law on this subject for all officers it would be very unwise to begin making individual exceptions to that law, no matter how worthy the officer you seek to favor. The fact that General McCauley has had about 26 years' active service in the Marine Corps and further service as a civilian clerk should not authorize credit for the civilian service in order that he may be retired now on increased pay. This section will retire him at the maximum pay of his grade, although under the joint pay bill he would be required to serve four years longer in the military service.

Mr. BYRNES of South Carolina. If we give credit for civilian service to one officer, is there any reason why it should not be given to every other officer who rendered civilian service?

Mr. OLIVER. None whatever. Let me say to the gentleman from Pennsylvania [Mr. BUTLER] there sits on his right a young man named Pugh, who knows more about naval matters and who has saved to the Nation more money than almost any civilian I know of, and when he retires you will not give him military retirement for civilian service. There is in the Navy another young man, named Reed, whom the gentleman from Michigan [Mr. KELLEY] and the gentleman from Pennsylvania [Mr. BUTLER] know to be a most valuable man, and he is also serving in a civilian capacity; but you will not and should not retire him on military pay.

Mr. BUTLER. Oh, let me testify to their value.

Mr. OLIVER. You could not justify retiring those men as military officers, no matter how valuable their services are; and yet that is what this section 24 proposes to do for one officer who in years gone by performed some civilian service. It is wrong, and I therefore move, Mr. Chairman, to strike out section 24.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. OLIVER: Page 21, beginning with line 13, strike out section 24.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. BYRNES of South Carolina) there were—ayes, 51; noes, 77.

So the amendment was rejected.

Mr. CHINDBLOM. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD upon the amendment that I offered a short time ago.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent to return to page 16, line 13, for the purpose of offering an amendment which I send to the desk.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to return to page 16 for the purpose of offering an amendment. Is there objection?

Mr. BLANTON. Mr. Chairman, let us hear what the amendment is.

The CHAIRMAN. The Clerk will report the proposed amendment.

The Clerk read as follows:

Amendment by Mr. BUTLER: Page 16, line 13, after the word "list," insert "and who have been retired since June 30, 1922."

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. In reading the bill section 11 was passed over, having been read, and an amendment to strike out the section pending, offered by the gentleman from Illinois [Mr. GRAHAM].

Mr. BRITTEN. Mr. Chairman, I offer the following preferential amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. BRITTEN: Page 11, line 23, strike out the whole of section 11 and in lieu thereof insert the following:

"SEC. 11. That the Secretary of the Navy be, and he is hereby, authorized and directed to make thorough investigation of the merits of the claims (including claims for release from Government claims for liquidated damages but excluding claims increases where a full, final, qualified, or unqualified release has been given the United States) which may be submitted to him in writing and verified under oath for any loss alleged to have been caused to any of such claimants in the performance of any fixed price (including fixed unit price) contract with the United States, through the Secretary of the Navy or the Navy Department, from April 6, 1917, to November 11, 1918, inclusive, or in the performance of that portion of any such contract previously entered into which remained uncompleted on April 6, 1917, which loss was occasioned by the action of any Government agency by reason of prior orders for material or transportation, commandeering of property or material, or other order of Government authority not authorized by the contract on or between the dates above mentioned.

"The Secretary of the Navy shall submit estimates of appropriations required to satisfy such of the claims as he may investigate under this authority as may be found to possess merit, accompanied by a comprehensive presentation of the facts in each case, but such findings so

communicated shall not be construed as imposing any obligation upon the Government or releasing any claims or rights of the Government.

"No claim shall be considered under this authorization for alleged losses on account of increases in wages until a claimant shall have established proof to the satisfaction of the Secretary of the Navy that he actually paid his employees the award ordered by the Macy Board or other Government boards, and that his entire volume of business with the Government during the period covered by the claim did not yield a net profit.

"In the performance of the duties imposed by this section the Secretary of the Navy is authorized to summon witnesses and examine them under oath, to require claimants to exhibit their books and papers, and to have access to and the right to examine pertinent income-tax returns and other financial reports of such claimants as may be in the custody of the Secretary of the Treasury."

Mr. BRITTEN. Mr. Chairman, when section 11 of the bill was read and before the committee last week, the gentleman from Illinois [Mr. GRAHAM] offered an amendment to strike out the section. The amendment which I have now offered is a preferential amendment and I suggest to the committee that the language in this amendment now before the House was drafted in the committee room of the Committee on Appropriations, that it takes out of the bill the language that was offensive to the gentleman who opposed section 11, as it appears in the bill. The amendment I think now is quite clear, in that it directs the Secretary of the Navy to make an investigation of claims and then to report those claims to the Committee on Appropriations or to Congress, and to do nothing else. It does not bind the Government or Congress. It merely authorizes the Secretary to make an investigation and to report to the Congress.

Mr. STAFFORD. Mr. Chairman, does not the gentleman think there should be some limitation of time within which these claims should be presented to the Secretary of the Navy for his consideration?

Mr. BRITTEN. Yes. In the original section 11 it was provided that the claim should be presented within six months.

Mr. STAFFORD. Then I suggest that that provision should be incorporated in this amendment.

Mr. BRITTEN. If I may speak for the committee, I can see no objection to that.

Mr. STAFFORD. Then, Mr. Chairman, I move to amend by inserting in line 5 of the amendment, after the word "writing," the words "within six months after the passage hereof."

The CHAIRMAN. Without objection, the amendment will be modified in the manner suggested by the gentleman from Wisconsin. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, I am not going to take the time of the committee further than to say that it is perfectly safe to pass this substitute for section 11. It gives the Secretary of the Navy authority only to investigate. It lays down the lines under which he must investigate. It provides that when he reaches conclusions and finds the facts, that these conclusions are not a binding obligation upon the Government; that he must submit the findings to the Committee on Appropriations of the House, and then that committee will further investigate, and if the committee finds the case to be justified it will refer it to the House. So that I think you can not do less than to pass this. It is fair; it is clean; and it ought to be agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The CHAIRMAN. The amendment offered by the gentleman from Illinois having been agreed to, the amendment of the gentleman from Illinois [Mr. GRAHAM] falls.

Mr. BUTLER. Mr. Chairman, this is the last work this committee will have to do during this session of Congress. It becomes necessary for all of us who have sat together to separate. I want within the brief time which you have so graciously given me to express my gratitude to those men who have sat on this committee and have aided so greatly in its work. There is no man in America better acquainted with the aviation service than FRED HICKS, of New York, our esteemed friend. [Applause.]

With a relish for work, which he naturally possesses, he set out to learn all that was necessary to be known in order that his usefulness might be increased. FRED HICKS has laid up his store of learning until at this hour he is recognized among military men, as he is recognized here, as an authority on the Aviation Service of the Navy. While he specialized along this line, he did not flee from other responsibilities which were given him, until he became known in this House as one of its leaders, a man of wisdom, a parliamentarian of marked ability, and altogether a most desirable companion who will be long remembered as one of the favorites of the House. I knew him before he came here; we were friends, and this separation will be only in name.

There is not any man in public life, in my judgment, who has a more conscientious devotion to duty, public or private, than has MILTON KRAUS, of Indiana. [Applause.] With a fine analytical mind, with an industry that is not outranked among workingmen, he has applied himself to the work of this committee with but one object—to do justice to the Government and to individuals seeking relief from disadvantages which they complained their Government had imposed upon them. His complete success is proven by the records of this House, which not only attest the confidence in which his judgment is held but the wisdom of his conclusions. It is his own record, made by the constant employment of his two prominent characteristics, intelligence and fairness.

MCARTHUR goes away with the regrets of this House following him. His contributions to the service in the committee room, as well as in the House, has singled him as one of its important legislators. Oregon appreciates him as his colleagues here have appreciated him. Young and energetic, the public will not lose sight of him as he wins his way toward the goals which may attract him.

Mr. MCPHERSON, with his training as a lawyer, which accompanied him when he came, has done much faithful and distinguished work for his Government for which that training had given him a great advantage. Like the other men with whom I have labored, he deserves the gratitude of this House as he will have the gratitude of his Government.

Allow me to include in this list Mr. KLINE of New York and Mr. CODD, of Michigan, who have labored with us with the view of impressing this House with the desire of the whole committee to win the confidence of the House, to report only those measures for the good of the naval service alone. I very greatly regret to see these men go from the Congress, and I wish that you join with me in tendering them the very best wishes we have within us. [Applause.]

Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The question was taken and the motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill S. 4137, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER pro tempore. The previous question is ordered under the rule on the bill and all amendments to final passage. Is a separate vote demanded on any amendment?

Mr. STAFFORD. Mr. Speaker, I demand a separate vote on the amendments. How many are there?

The SPEAKER pro tempore. The gentleman from Wisconsin——

Mr. BUTLER. There are 23.

Mr. STAFFORD. We considered this under a special rule which gives permission on each amendment made to the section. There are only two amendments. I demand a separate vote on section 24.

Mr. BUTLER. Mr. Speaker, I would like to move that these sections be renumbered.

The SPEAKER pro tempore. Let the Chair understand the amendment upon which the gentleman from Wisconsin demands a separate vote.

Mr. STAFFORD. The last section of the bill, section 24.

Mr. SANDERS of Indiana. I do not understand the rule makes the provision suggested. The rule only deals with the question of the separation of the amendments by sections in the committee.

Mr. STAFFORD. The very purpose of the rule was to overcome that very objectionable practice which has grown up here of committees reporting many sections as amendments.

Mr. MONDELL. Mr. Speaker, there is only one separate vote demanded.

The SPEAKER pro tempore. And that is on section 24. Is a separate vote demanded on any other section? If not, the Chair will put them in gross.

The question was taken, and the other amendments were agreed to.

The SPEAKER pro tempore. The question is on agreeing to section 24.

Mr. OLIVER. May we have section 24 reported before we vote on it?

The SPEAKER pro tempore. The Chair is in some doubt as to just what is left upon which a separate vote could be had.

Mr. BUTLER. Section 11 had an amendment.

The SPEAKER pro tempore. That has been agreed to. Section 24 is part of the amendment which was agreed to.

Mr. BRITTEN. Mr. Speaker, section 24 was not amended in the committee.

The SPEAKER pro tempore. Then there is nothing further before the House except the vote on the committee amendment as amended.

The question was taken, and the committee amendment as amended was agreed to.

The SPEAKER pro tempore. The question is on the third reading of a Senate bill.

The bill was ordered to be read the third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. BLANTON. Mr. Speaker, I make a motion to recommit.

The SPEAKER pro tempore. Will the gentleman send his motion to the Clerk's desk?

Mr. BLANTON. I make the motion to recommit the bill to the Committee on Naval Affairs with instructions to strike out the section providing for——

The SPEAKER pro tempore. The gentleman from Texas will send his motion to the Clerk's desk in writing.

Mr. BLANTON. Well, that has not been done heretofore.

SEVERAL MEMBERS. Regular order.

Mr. BLANTON. I ask for time to prepare it.

SEVERAL MEMBERS. Regular order.

The SPEAKER pro tempore. Regular order is demanded.

Mr. BLANTON. It will not take but two minutes.

[Cries of "Vote!"]

Mr. SANDERS of Indiana. The gentleman is entitled to the time.

The SPEAKER pro tempore. The gentleman from Texas will reduce his motion to writing.

Mr. CHINBLOM. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. CHINDBLOM. To call attention to a point of order, that having adopted an amendment to the entire bill, a motion to recommit, striking out a portion of the amendment, is not in order.

Mr. BLANTON. Mr. Speaker, I move to recommit the bill and report the same back forthwith with an amendment.

The SPEAKER pro tempore. The gentleman from Texas moves to recommit the bill with instructions to report the same back with an amendment. The Clerk will report the motion of the gentleman from Texas.

The Clerk read as follows:

Mr. BLANTON moves to recommit the bill to the Committee on Naval Affairs with instruction to that committee to report the same back forthwith, striking from the bill section 8.

Mr. CHINDBLOM. Mr. Speaker, I make the point of order that the gentleman's motion is out of order. We have adopted the section referred to.

The SPEAKER pro tempore. Section 8 is part of the amendment which was agreed to by the House.

Mr. BLANTON. That was also in the Senate bill.

The SPEAKER pro tempore. That is part of the amendment to which the House has just given its assent.

Mr. BUTLER. Mr. Speaker, it was decided by the present Speaker pro tempore that such an amendment was not in order.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the "ayes" appeared to have it.

Mr. BLANTON. I ask for a division, Mr. Speaker.

The SPEAKER pro tempore. A division is demanded.

The House divided; and there were—ayes 210, noes 9.

So the bill was passed.

Mr. BUTLER. Mr. Speaker, I ask unanimous consent that the title be amended in accordance with the text.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that the title be amended in accordance with the text. Is there objection?

There was no objection.

INVESTIGATION OF REFORESTATION PROBLEMS.

Mr. HAUGEN. Mr. Speaker, I move to suspend the rules and pass House Joint Resolution 456, with an amendment.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent to suspend the rules and pass House Joint Resolution 456, with an amendment. The Clerk will report the amended resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 456) authorizing the chairman of the Committee on Agriculture to appoint a subcommittee to consist of not more than eight members of the Committee on Agriculture to join with a like committee of five heretofore appointed by the Senate to investigate problems relating to reforestation, and for other purposes.

Resolved, etc., That the chairman of the Committee on Agriculture is hereby authorized to appoint a subcommittee to consist of not more than eight members of the Committee on Agriculture of the House of Representatives, five from the majority party and three from the minority party, to join with a like committee of five heretofore appointed by the Senate, and of which he shall be an ex officio member, to investigate problems relating to reforestation, with a view to establishing a comprehensive national policy for lands chiefly suited for timber production in order to insure a perpetual supply of timber for the use and necessities of citizens of the United States. The joint committee shall make a final report of its investigations with recommendations to the Congress not later than April 4, 1924. For the purposes of this resolution the committee is authorized to sit and act at such times during the sessions or recesses of the Sixty-seventh and Sixty-eighth Congresses and in such places within the United States to hold such hearings as it deems necessary, and to employ such clerical and stenographic assistants as it deems necessary, the cost of such stenographic service to report the hearings shall not be in excess of 25 cents per folio. The committee is further authorized to send for persons, books, and papers, to administer oaths and to take testimony. The expenses of the joint committee shall be paid from the contingent funds of the House of Representatives and the Senate of the United States, and shall not exceed $5,000 from said funds of the House. All such expenses to be paid upon vouchers duly approved by the chairman of said joint committee.

Mr. STAFFORD. I demand a second.

The SPEAKER pro tempore. The gentleman from Wisconsin demands a second.

Mr. BLANTON. I make the point of order, Mr. Speaker, that when a second is demanded by two Members and one demand is from the majority, on the same side that the motion comes from, and the other demand is from the minority side, especially when the minority side is against the bill, the Member making the demand from the minority side under the rules shall be recognized.

The SPEAKER pro tempore. The gentleman from Wisconsin demands a second.

Mr. BLANTON. I am opposed to the bill.

The SPEAKER pro tempore. Is the gentleman from Wisconsin opposed to the bill?

Mr. STAFFORD. I am not opposed to it.

Mr. BLANTON. I am opposed to the bill.

The SPEAKER pro tempore. The gentleman from Texas demands a second.

Mr. BANKHEAD. I object, Mr. Speaker, to a second being ordered.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BLANTON] and the gentleman from Iowa [Mr. HAUGEN] will take their places as tellers.

The House divided; and the tellers reported—ayes 132, noes 4.

The SPEAKER pro tempore. A second is ordered. The gentleman from Iowa [Mr. HAUGEN] has 20 minutes and the gentleman from Texas [Mr. BLANTON] has 20 minutes.

Mr. HAUGEN. Mr. Speaker, the object of the resolution is to investigate problems relating to reforestation, with a view to establishing a comprehensive national policy. Legislation has been suggested that will entail considerable expense. There is about 156,500,000 acres of land in the national forests and about 557,000,000,000 board-feet of lumber, which would seem to be of enough importance to warrant an investigation. About $10,000,000 is appropriated annually for our Forest Service.

Mr. McSWAIN. Mr. Speaker, will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. McSWAIN. Will the gentleman tell us whether the proposed national-forestry policy relates only to the public domain or proposes to consider the matter of forestry within the exclusive jurisdiction of the States as well as the public domain?

Mr. HAUGEN. It includes forestry within the jurisdiction of the States.

Mr. McSWAIN. If that is true, what is the constitutional warrant for the proposition of interference with forestation within the States by the National Government? What is the warrant for that?

Mr. HAUGEN. That is a matter that is being considered and will be considered in proposed legislation, cooperating with the States. A bill has been prepared which provides for reforestation and for timber lots and various things suggested to improve the Forest Service, for planting trees and carrying an annual appropriation of $4,500,000. As I stated, the appropriation now amounts to about $10,000,000, and so far the service has not been self-supporting. The suggestion is to make a thorough investigation.

As I said, there are about 157,000,000 acres and about 557,000,000 board feet of lumber. A like committee has been appointed by the Senate, and it has been suggested that we shall have a joint committee to investigate, consisting of eight Members of the House and five Members of the Senate. The resolution carries an appropriation of $5,000. That is made payable from the contingent fund of the House. No limit is placed upon the expenditures to be made by the Senate.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield for a question?

Mr. HAUGEN. Certainly.

Mr. BANKHEAD. Would the gentleman be willing to have an amendment offered to this resolution limiting the investigation to forests on the national domain, and cutting out any interference with State policies on this question?

Mr. HAUGEN. This resolution is drafted in terms identical with that of the Senate, and the wording of it is practically the same, except as to the limitation of $5,000.

Mr. BANKHEAD. Under the Senate resolution does not the President of the Senate appoint the members of the commission, whereas under this the chairman of the committee appoints them?

Mr. HAUGEN. Yes.

Mr. BANKHEAD. Why do not you provide that the Speaker of the House shall make the appointment?

Mr. HAUGEN. This resolution is drawn as other resolutions have been drawn.

Mr. BANKHEAD. Where the chairman of the committee is appointing the members?

Mr. HAUGEN. Yes. In the Joint Commission on Rural Credits the members were appointed by the chairman of the House committee and the members of the Senate by the chairman of the Senate committee. That, as I understand, is the usual procedure.

Mr. McSWAIN. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. McSWAIN. Does not the gentleman really think that the Chief Forester and his assistant can tell the committee more in 30 minutes than the committee could learn by traveling 50,000 miles?

Mr. HAUGEN. No; I spent nearly four weeks in the forests and traveled pretty much night and day, and I never spent days and weeks to any better advantage. No one has any comprehension of the Forest Service unless he makes a personal investigation, and to make a thorough investigation of 156,000,000 acres would require more time than any eight Members can give during a summer. I reserve the balance of my time.

Mr. IRELAND. Mr. Speaker, I ask unanimous consent to address the House for 15 seconds.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to address the House briefly. Is there objection?

There was no objection.

Mr. IRELAND. Mr. Speaker, I want to state to the Members of the House who are to be Members of the Sixty-eighth Congress that their telegraphic franks are ready for them in the Committee on Accounts, and it will save the Government the trouble of mailing them if they will call for them. The reelected Members to the Sixty-eighth Congress and the newly elected Members of the Sixty-eighth Congress can secure the telegraphic franks, for which they may have use during the vacation.

Mr. BLANTON. Mr. Speaker, our Republican friends are shrewd and I take my hat off to them. When they appoint commissions that settle $4,000,000,000 debts to this country they do not offer us Democrats any position thereon. It was only when we get up here before the people and demanded it that they finally gave us a say-so. But, when they want to pass a congressional junketing resolution, like the one now before us, in order to get votes from our side, they offer us three reservations in drawing rooms, to catch our votes.

[Here Mr. BLANTON uttered some words that were objected to and were subsequently stricken out.]

Mr. UPSHAW. Mr. Speaker, I make the point of order that the gentleman from Texas has made a personal reflection and imputed to me motives that are absolutely not borne out by the facts.

The SPEAKER pro tempore. That is not a point of order, but the gentleman from Texas will proceed in order.

Mr. UPSHAW. Under the rules of the House, Mr. Speaker, the gentleman is not permitted to mention my name with an aspersion upon my honor. I never cast a vote that did not comport with manhood and patriotism. [Applause.]

them."

The SPEAKER pro tempore. According to the rules of the House no Member is permitted to mention by name another Member.

Mr. UPSHAW. I move to expunge the remarks. I demand that the words be taken down.

The Clerk read the words objected to.

The SPEAKER pro tempore. The Chair holds that the language objected to is a violation of the rules of the House.

Mr. SABATH. Mr. Speaker, I move that the words of the gentleman from Texas be stricken out.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Illinois, to strike out the words that were objected to.

The motion was agreed to.

Mr. SANDERS of Indiana. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SANDERS of Indiana. Is it in order now to move that the gentleman from Texas may proceed in order?

The SPEAKER pro tempore. It is.

Mr. SANDERS of Indiana. And that motion must be made by some other gentleman than the gentleman from Texas?

The SPEAKER pro tempore. It must be.

Mr. SANDERS of Indiana. I was not going to make the motion; I just wanted to know.

Mr. BANKHEAD. Mr. Speaker, I ask recognition in opposition to the motion to move to suspend the rules.

Mr. UPSHAW. Mr. Speaker, I move that the gentleman from Texas be allowed to proceed in order and only in order.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Georgia that the gentleman from Texas be allowed to proceed in order.

The question was taken and the motion was rejected.

Mr. BANKHEAD. Mr. Speaker, I ask recognition to oppose the resolution now pending.

The SPEAKER pro tempore. Is the gentleman from Alabama opposed to the resolution?

Mr. BANKHEAD. I am.

The SPEAKER pro tempore. The gentleman from Alabama is recognized for the remainder of the time.

Mr. MADDEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MADDEN. How much time is remaining for the gentleman from Alabama?

The SPEAKER pro tempore. The gentleman from Alabama is recognized for 16 minutes, the remainder of the time, in opposition to the resolution.

Mr. BANKHEAD. Mr. Speaker and gentlemen of the House, I am entirely consistent in my attitude in opposing the pending resolution. As I have taken occasion to state heretofore when resolutions of similar import were pending, especially those creating commissions for various purposes, it has been my observation, and I believe the candid experience of most Members of the House who have given the matter any reflection, that we spend annually thousands, tens of thousands, hundreds of thousands of dollars out of the Treasury for purposes of investigation like this, without any real resulting good to the people of the country. I opposed the resolution pending to-day upon the coal commission, increasing the appropriation for that purpose, and I did it upon that theory. Now, on the last day of the session a motion is made to suspend the rules and put upon its passage a resolution creating a select committee of eight Members to be appointed by the chairman of the Committee on Agriculture to investigate the question of reforestation. That is proposed naturally upon the assumption that the expenditure of this money and the subsequent investigation of this question will result in securing information for the benefit of the Congress of the United States. Yet I deliberately assert, and I do not believe that the chairman of this committee who is proposing this resolution can successfully contradict it, that there is already on file and available to the Congress of the United States at this hour, and available to the Committee on Agriculture at this hour, down here in the Department of Agriculture all of the information in every particular and in every detail touching this question of reforestation that this select committee of eight members of the Committee on Agriculture are to undertake to bring back to this Congress after this recess.

Mr. J. M. NELSON. Mr. Speaker, will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. J. M. NELSON. Does not the gentleman think that the committee itself, which deals with this problem, being on the ground, will be benefited to the extent of $5,000 by taking this trip?

Mr. BANKHEAD. Is the gentleman in favor of this resolution?

Mr. J. M. NELSON. I am.

Mr. BANKHEAD. Do I understand that the gentleman's position is based upon the theory that if by having the actual visual sight of the land involved these distinguished ranking members of the Committee on Agriculture will be able to bring back to this House some very beneficial, scientific, and practical information on this question of reforestation?

Mr. JOHNSON of Washington. Will the gentleman yield for a question?

Mr. BANKHEAD. Let me finish this thought and then I will yield to the gentleman. What is the justification or excuse that is offered frequently, if not always given, to these so-called junketing expositions—and I do not desire to use that term in any offensive sense at all and do not mean it in any offensive sense, but merely as a matter of description—they have always argued that if you let us go and get first-hand information it will be more valuable, and there may be something in that. But my main objection to this question is that it is an entirely unnecessary expense to be levied out of the Treasury of the United States and will not accomplish anything that can not be accomplished by another method which would not involve the expenditure of a single dollar.

Mr. JOHNSON of Washington. I know the gentleman from Alabama is earnest and sincere in what he says, but I want to ask him if he has stopped to think that the United States itself owns from 40 to 75 per cent of the area of 11 Western States and that the problems of the Forest Service are handled by this great Agricultural Committee? Time and again I have spoken on the floor about the situation. I have begged that some Members be placed on that committee who had seen or knew of the timber assets of the Government in these great reserves in this country.

Mr. BANKHEAD. I want to see the gentleman from Washington transferred to the Committee on Agriculture.

Mr. JOHNSON of Washington. I wish I could serve on another committee.

Mr. BANKHEAD. There ought to be somebody there who knew something about it. The gentleman's question brings up another objection to this resolution which I think is a very fundamental one. That is the reason I rose to my feet to inquire of the chairman of the committee when he presented the resolution if he would agree to the offering of an amendment to limit the activities of this commission to the public domain of the United States. Now that presents a very serious constitutional question. Every State has rights under its reserved powers to deal with this question on its own initiative. The gentleman does not set up in this resolution that this shall be made along lines of Federal cooperation——

Mr. SNELL. If the gentleman will yield—the basic object of the legislation that has been considered by the Agricultural Committee in the last three or four sessions of Congress has been cooperation in the Federal Government and the different States. It is all based on cooperation. That is the actual fact.

Mr. BANKHEAD. Is the gentleman from New York now advocating cooperation of the Federal Government and the States in their activities?

Mr. SNELL. In some certain ones.

Mr. BANKHEAD. I am glad——

Mr. SNELL. When the Federal Government owns 75 per cent of all the timber there is.

Mr. BANKHEAD. Let me ask the gentleman from Washington. He paid me a compliment by saying that he thought I was sincere and frank.

Mr. JOHNSON of Washington. I have great admiration for the gentleman.

Mr. BANKHEAD. Does not the gentleman from Washington honestly believe at the present time that the experts of the Agricultural Department and Bureau of Forestry and these other bureaus that have been taking cognizance of this question and made investigation—does he not believe they are in possession of all the information Congress needs on this question?

Mr. JOHNSON of Washington. Government officials may have it, but members of the committee have to write the necessary legislation. I believe if I could get members of the Committee on Agriculture into these forest reserves that the Government owns in the North Pacific States I could show them where the Government can save great sums of money. The information is down here in the department, but it does not make legislation. The Forest Service and Congress are becoming more and more in harmony.

Mr. SNELL. The Forestry Department itself has information but the trouble is that the legislation must come from Members of the House, and in order to legislate properly they really ought to know a little more about this than they do. I am not going on the trip.

Mr. BANKHEAD. In other words the logical conclusion of that statement is that if we send out these gentlemen you will have legislation on this problem?

Mr. SNELL. The logical conclusion is, I hope they are right about it and we will get some legislation. This is one of the most important matters before the Congress at the present time in which people are really interested.

Mr. BANKHEAD. I respect the gentleman's attitude on this question, but my opposition to it is based upon my objection to these interminable and oft-reiterated propositions with which we are confronted here of bringing in in every Congress, especially along toward the close of the Congress, a proposition to appoint commissions and special committees, every one of them entailing expenditures out of the Treasury of the United States. I want to spend every dollar of the people's money necessary to have an intelligent and patriotic administration of our Government, but, gentlemen, surely we are going to reach a time some time in the history of our Government where we have got to stop these unnecessary expeditions for the purpose of acquiring information that we have already obtained, and I hope this proposition will be defeated.

Mr. Speaker, I yield the remainder of my time to the gentleman from Texas [Mr. SUMNERS].

The SPEAKER pro tempore. The gentleman from Alabama yields back the remainder of his time—six minutes—to the gentleman from Texas.

Mr. MADDEN. Mr. Speaker, I do not think six minutes are left. The gentleman from Alabama [Mr. BANKHEAD] started at 22 minutes after 10 and it is now 25 minutes to 11.

Mr. SNELL. He had only 16 minutes.

Mr. DUPRÉ. Mr. Speaker, is the gentleman from Illinois in favor of this thing? I would like to have an answer.

The SPEAKER pro tempore. The Chair is advised that the time remaining is six minutes, and the gentleman from Texas [Mr. SUMNERS] is recognized for that time.

Mr. SUMNERS of Texas. Mr. Speaker, it will not take six minutes. I agree with the gentleman from Alabama [Mr. BANKHEAD] that in regard to most of these propositions we have enough information now, but the difficulty consists in applying what we know.

When the Commission on Agricultural Inquiry was created—and I would not object to a committee being appointed if they sat here in Washington, or if they wanted to travel if they would travel at their own expense—I did that on the Commission on Agricultural Inquiry, and I am a poor man. I made two trips to the South at my own expense and one trip to the West at my own expense. That commission sat for seven months, and I do not believe one dollar was expended. I believe the chairman took one trip.

This is a long vacation that we have in sight, and if the gentlemen on the Committee on Agriculture want to go out through the West and get some first-hand information, let them go. But I do not believe, gentlemen, that as a sound governmental policy we ought to encourage the expenditure of money in order to send people out over the country to make investigations. Under some circumstances that is all right and I would approve of it, but there is nothing in regard to forestation and timber in the country for Congress to legislate upon that needs such travel as is proposed in this investigation. People talk about growing trees and talk about going out to look into it at public expense. If you cut down one tree, you can rest assured that unless it is replaced by another of its own accord you have to replant.

Now, the gentleman from Illinois [Mr. MADDEN] seems to be in a hurry, and I will yield back the remainder of my time. [Applause.]

Mr. HAUGEN. Mr. Speaker, I yield three minutes to the gentleman from Kansas [Mr. TINCHER].

The SPEAKER pro tempore. The gentleman from Kansas is recognized for three minutes.

Mr. TINCHER. Mr. Speaker and gentlemen of the House, I am a member of the Committee on Agriculture, but I am not going on this trip, because I have engagements for the summer which are inconsistent with such a trip. But I want to say that this proposed investigation can in no sense be called a junket, and for the House of Representatives to vote down this proposition to-night would be a serious mistake.

In our committee in the past few years we have had before us propositions for a definite forestry policy for this Government. There could not be a more important question for future generations than that policy. We are appropriating $1,000,000 every year to prevent forest fires in the national forests, and those fires, whenever they start, do not know any

difference between Government land and privately owned land and State reserves. The bureau for which this committee legislates has the responsibility of policing these forest reservations.

I am somewhat familiar with the national forests, because at my own expense I have bought cattle from them for years. I have reason to believe that the $5,000 proposed to be expended in this resolution would be money well expended if we were sending the committee out to study that situation alone.

I want the gentleman from Alabama [Mr. BANKHEAD], who I know is earnest in his conviction, to consider this: The Senate is sending out a committee. Congress at some future time will adopt a national policy with respect to forestry. The bill adopting a national forest policy will come from the House committee. I do not think they ought to be hindered in procuring first-hand information. I think they ought to have every advantage given them. The Senate has already appointed its committee. I do not think any Member who makes this investigation will think that he has made a junket.

As I said, I am not going. I do not think that this ought to be dubbed a junket. If a man spends next summer in investigations for the benefit of his country and in determining what should be our permanent policy as a Nation toward reforestation and toward the protection of our forests from fire, he will be performing a public service for which he will not deserve criticism here. [Applause.]

The SPEAKER pro tempore. The question is on the motion of the gentleman from Iowa [Mr. HAUGEN] to suspend the rules and pass the joint resolution.

The question was taken; and on a division (demanded by Mr. BLANTON and Mr. BANKHEAD), there were—ayes 178, noes 37.

Mr. BANKHEAD. Mr. Speaker, I object to the vote because there is no quorum present.

Mr. BLANTON. I ask for the yeas and nays.

The SPEAKER pro tempore. The gentleman from Texas is not recognized for that purpose.

Mr. BANKHEAD. What was the vote, may I ask the Chair?

The SPEAKER pro tempore. One hundred and seventy-eight ayes and 37 noes. A quorum is present.

Mr. BLANTON. I ask for the yeas and nays.

The SPEAKER pro tempore. The gentleman is not recognized.

Mr. BLANTON. I appeal from the decision of the Chair. I have a right to ask for the yeas and nays.

The SPEAKER pro tempore. The gentleman can not be recognized for any purpose until he has the permission of the House.

Mr. BLANTON. Then the Republican majority can keep my district unrepresented?

The SPEAKER pro tempore. The gentleman will take his seat.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that the gentleman from Texas is entitled to recognition for the purpose of demanding the yeas and nays. I have not examined the precedents.

Mr. MONDELL. Will the gentleman yield to me? I ask unanimous consent that the gentleman from Texas——

Mr. GARRETT of Tennessee. No, Mr. Speaker; it is not a question of unanimous consent.

The SPEAKER pro tempore. The Chair is of the opinion that the matter should be decided now.

Mr. GARRETT of Tennessee. It ought not to be decided as a matter of unanimous consent but as a matter of right. As to whether the gentleman would be entitled to the floor for debate I am not speaking now, but the gentleman from Texas arose to ask for the yeas and nays. The gentleman from Texas represents a congressional district; he is within his rights in demanding the yeas and nays. I think it would be extremely dangerous in holding that because the gentleman was called to order for the words spoken in debate and was required to take his seat, so far as the debate was concerned, that he could not rise and demand the yeas and nays.

Mr. TILSON. Mr. Speaker, I think it is clear that so far as speaking again during the period in which this matter was being considered, when he was called to order, that he can not be recognized again until he has the consent of the House. But I agree with the gentleman from Tennessee that for the purpose of demanding the yeas and nays, which is a constitutional right, the gentleman from Texas was clearly within his rights, and should be recognized for that purpose.

Mr. STAFFORD. Mr. Speaker, I assume that the purpose of the rule in denying a Member who has infringed the rules of debate by using unparliamentary language and not allowing him to proceed further until the House gives him the privilege is to protect the House from the further use of language on the matter under consideration, which might allow further use of similar unparliamentary language. But, until the House takes some action of censure or expulsion, every Member of the House has the privilege of voting, and has the privilege of exercising his rights in demanding the yeas and nays or offering amendments. [Applause.]

There has been no motion made for a censure; all that was done was that the House expunged the remarks from the RECORD, and refused to allow the gentleman from Texas to proceed further in debate. But that does not carry the proposition that his right to vote or his right to demand the yeas and nays or his right to offer an amendment have been curtailed. They are fundamental. The question is whether the gentleman from Texas is still a Member of the House or not? [Applause.]

The SPEAKER pro tempore. The Chair is ready to rule. The Chair has invited this discussion because the precedents are very vague as to when the gentleman from Texas or any gentleman, having been refused the right to participate in debate, as was done in this case, might again be heard on the floor. In order to get the matter before the House, the Chair has assumed the responsibility of calling the attention in this way in order that a decision might be had. The Chair believes that a reasonable construction of the rule would be that the Member called to order would be called to order only for the period required for the consideration of the matter that was then under consideration. The Chair thinks that is a reasonable construction, although it has not been so held. It appears from decisions that a Member was precluded if the motion was not made until the following day. With that construction the Chair does not agree. The Chair is glad of the opportunity at this time to decide that the Member from Texas is in the exercise of his rights at the conclusion of debate in demanding the yeas and nays. [Applause.] The Chair sustains the point of order made by the gentleman from Tennessee.

Mr. BLANTON. Mr. Speaker, I demand the yeas and nays.

The SPEAKER pro tempore. The gentleman from Texas demands the yeas and nays. All those in favor of taking the vote by yeas and nays will rise and be counted. [After counting.] Nineteen Members have risen, not a sufficient number; the yeas and nays are refused, and the bill is passed.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 8086. An act to prohibit the shipment of filled milk in interstate or foreign commerce;

H. R. 11477. An act granting the consent of Congress to the Freeburn Toll Bridge Co. to construct a bridge across the Tug Fork of Big Sandy River, in Pike County, Ky.;

H. R. 7851. An act to amend an act entitled "An act to amend an act entitled 'An act to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes,'" approved September 1, 1916, so as to provide for the terms of the district court to be held at Spartanburg S. C.;

H. R. 13205. An act for the relief of the American Trust Co.; and

H. R. 11939. An act to amend section 5219 of the Revised Statutes of the United States.

The SPEAKER pro tempore announced his signature to enrolled bills of the following titles:

S. 4235. An act granting consent of Congress to the Charlie Bridge Co. for construction of a bridge across Red River between Clay County, Tex., and Cotton County, Okla.;

S. 4122. An act granting the consent of Congress to the Interstate Toll Bridge Co. for construction of a bridge across Red River between Montague County, Tex., and Jefferson County, Okla.;

S. 4387. An act to authorize the building of a bridge across the Tugaloo River between South Carolina and Georgia;

S. J. Res. 240. Joint resolution authorizing the erection on public grounds of a memorial to the late Joseph J. Darlington;

S. 574. An act to amend an act entitled "An act to save daylight and to provide standard time for the United States," as amended;

S. 1076. An act establishing standard grades of naval stores, preventing deception in transactions in naval stores, regulating traffic therein, and for other purposes;

S. 2703. An act to allow the printing and publishing of illustrations of foreign postage and revenue stamps from defaced plates;

S. 3123. An act to amend section 1 of the act entitled "An act providing for the location and purchase of public lands for reservoir sites," approved January 13, 1897, as amended;

S. 3892. An act authorizing the State of California to bring suit against the United States to determine title to certain lands in Siskiyou County, Calif.;

S. 4146. An act permitting the State of Wyoming to reconvey certain lands to the United States and select other lands in lieu thereof and providing for the patenting of certain lands to Natrona County, Wyo., for public-park purposes;

S. 4211. An act authorizing preliminary examination and survey to be made of the Intracoastal Waterway in Louisiana and Texas;

S. 4469. An act to extend the time for the construction of a bridge or bridges and trestles over the navigable channels of the mouth of the Mobile River in the State of Alabama;

S. 4536. An act to authorize the building of a bridge across the Peedee River in South Carolina;

S. 4548. An act declaring Bear Creek in Humphreys, Leflore, and Sunflower Counties, Miss., to be a nonnavigable stream; and

S. 4552. An act to incorporate the Belleau Wood Memorial Association.

DEFICIENCY APPROPRIATION—CONFERENCE REPORT.

Mr. MADDEN. Mr. Speaker, I call up the conference report upon the bill (H. R. 14408) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes.

The SPEAKER pro tempore. The Clerk will read the conference report.

The Clerk read the conference report.

[For conference report see pp. 5196–5198.]

Mr. MADDEN. Mr. Speaker, as explanatory of the provisions of the bill as it was returned from the Senate, and as it has come from the conference, I insert the following:

Bill as passed by House carried		$154,582,240.35
Bill as passed by Senate carried		156,835,086.46
Senate increase		2,252,846.11
From this increase the Senate receded from		157,709.32
The House conferees yielded on		1,322,636.79
There is involved in amendments in disagreement		772,500.00
		2,252,846.11
And the conferees of both Houses yielded on		117,635.00
Of the sum involved in amendment in disagreement it is proposed to yield on		572,500.00
So that if conference report be adopted and action which will be proposed is concurred in bill will carry		156,359,742.14
Bill as passed by House		154,582,240.35
Or an increase over bill as passed by House of		1,777,501.79
Amounts already yielded		1,322,636.79
Amounts on which it is proposed to yield		572,500.00
		1,895,136.79
Less amendment No. 21		117,635.00
		1,777,501.79

The SPEAKER pro tempore. The question is on agreeing to the conference report.

Mr. NEWTON of Minnesota. Mr. Speaker, will the gentleman from Illinois yield?

Mr. MADDEN. Yes.

Mr. NEWTON of Minnesota. I would like to ask the gentleman with reference to the provisions on the top of page 51, $300,000, inserted by the Senate. Do I understand that that remains in the bill?

Mr. MADDEN. That has been agreed to.

Mr. NEWTON of Minnesota. The Post Office Department has been cutting down the service. Do I understand that with this provision it will permit them to take care of the demands for the increase in the carrier service between now and the 1st of July?

Mr. MADDEN. This is all they ask; and if it does not take care of them, we are not to blame.

Mr. NEWTON of Minnesota. And it is the full amount recommended by the Bureau of the Budget?

Mr. MADDEN. Yes.

Mr. DALLINGER. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. DALLINGER. Why were amendments 59 and 60 dropped?

Mr. MADDEN. The Senate receded. That is the first reason, and the next reason is that they did not apply to anything in the bill. Amendment 59 reads as follows:

Provided, That no part of the moneys appropriated in this paragraph shall be used or expended for making such changes in private establishments or for the purchase or acquirement of any article or articles that at the time of the proposed changes, purchase, or acquirement can be made, manufactured, or produced in any of the Government navy yards of the United States, if time and facilities permit.

There is not a dollar appropriated in the paragraph to which the amendment was added, so the amendment would be just so much waste paper. The reason why amendment No. 60, a similar amendment, was not adopted, is that it applies to a provision in the bill merely to pay matters that have already been closed, where the work has been stopped. There was no rhyme or reason in the amendments. They did not apply to anything.

Mr. DALLINGER. Is the gentleman aware that on page 5002 of the CONGRESSIONAL RECORD it is stated that the amendments were agreed to?

Mr. MADDEN. It does not make any difference what the RECORD shows. We are dealing with the bill.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment No. 22: Page 8, after line 14, insert:

"OFFICE OF THE PRESIDENT.

"The appropriation of $25,000 for traveling and other expenses of the President of the United States for the fiscal year 1923 is hereby continued and made available for the same purposes until expended."

Mr. MADDEN. Mr. Speaker, I move to recede and concur.

Mr. BYRNS of Tennessee. Mr. Speaker, will the gentleman yield to me for five minutes?

Mr. MADDEN. Mr. Speaker, I yield five minutes to the gentleman from Tennessee.

Mr. BYRNS of Tennessee. Mr. Speaker, I do not want to appear ungracious, but I do wish to enter my earnest protest against the adoption of this amendment. I am sure I need not say that my opposition is neither personal nor political. The House will remember that traveling expenses for the President were first provided during the term of President Taft. It is provided that $25,000 be appropriated, to be used by the President during the year for which it is appropriated, and that at the end of the fiscal year the amount unexpended be turned back into the Treasury. And this year for the first time this fund was made available for official entertainment as well as traveling, which is entirely unjustifiable. The President of the United States draws a salary of $75,000 a year, and these traveling expenses are provided in addition.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. MADDEN. Of course, the gentleman from Tennessee knows that for the first time in the history of the United States the President of the United States is required to pay $18,000 of income tax out of his salary.

Mr. BYRNS of Tennessee. That is true, and every Member of Congress and every public official of the United States is required to pay an income tax upon his salary as well.

Mr. NEWTON of Minnesota. Except judges.

Mr. BYRNS of Tennessee. This amounts to simply this: I understand there is some $18,000 unexpended up to the present time out of the traveling expenses appropriated for the President during the present fiscal year. Just how much of that unexpended balance will be expended between now and July 1 of course no one knows, but next year the President has been provided with the usual appropriation of $25,000, and whatever is unexpended will be added to that amount.

It is increasing the expenses of the President for the next fiscal year by whatever amount is unexpended, and I think at this time, when the taxpayers are being burdened by expense after expense, when we are adding new burdens as we did awhile ago with reference to the committee to be appointed from the Committee on Agriculture, there ought to be a time when we should stop adding to the heavy expenses of government and practice a little economy. We ought not to appropriate this additional money for the next year. I am in favor of the President of the United States going around among the people of the country. I am in favor of giving him every opportunity and giving to the people of this country every opportunity to see the President. It was for that reason that the $25,000 was originally appropriated, but surely $25,000 each year is sufficient for that purpose, and I am opposed to this amendment. It may not be sufficient for a large party of invited guests, but the appropriation was never intended for that. It will surely be sufficient for the President and a reasonable number of guests for his trip to Alaska and through the West, which I understand is contemplated this summer.

Mr. MADDEN. Mr. Speaker, just a word. I simply wish to say that Mrs. Harding has been very ill for almost all of the last year. The President has not traveled much during the period of her illness. He anticipates leaving here on the 5th of March with Mrs. Harding in order to enable her to recuperate. Later on the President is going to travel across the continent to Alaska, where he hopes to be able to acquire information beneficial to the people of the United States. He will be unable to pay the expenses of the travel which he proposes out of the $25,000 for next year. He will have an unexpended balance out of this year's travel allowance of perhaps ten or twelve thousand dollars. Surely nobody in the United States would ask the President to travel on Government business at his own expense. It is true that this is equivalent to an additional appropriation, as the gentleman from Tennessee says, but under all of the circumstances I think we ought to do what is proposed in this amendment, and I hope the House will agree to the recommendation which we make, namely, transfer the unexpended balance of the President's 1923 travel appropriation to 1924 and make it available for expenditure by the President during 1924.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BLANTON. I ask for a division.

The House divided; and there were—ayes 158, noes 32.

So the amendment was agreed to.

Mr. ANDREW of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on farm credits.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to is here printed in full as follows:

Mr. ANDREW of Massachusetts. Mr. Speaker, the procedure of the House in the handling of this bill reflects no credit upon our reputation as a deliberative body. In fact, the methods by which it is being jammed through the House and Senate scarcely seem possible were they not matters of fact. The bill as reported by the committee was only agreed upon in committee three days before it was brought up for discussion on this floor and only six days before this session of Congress is bound to close. No copy of it was available to Members of the House more than 24 hours before it was introduced under a special rule which not only limited the time of debate upon it but made it impossible to consider it section by section. There has been no adequate opportunity for Members not on the Banking and Currency Committee to study the various provisions of the 98 pages of the bill. There has been no opportunity under the rule by which the bill has been considered to amend it in detail.

This measure if it becomes law marks one more step in the substitution of Government money for private capital and Government ownership for private management. It proposes to establish 12 new Government banks with a capital drawn from the taxpayers' pockets of $60,000,000, and to allow these banks to issue bonds to the extent of $600,000,000, for the payment of which the Government will be morally if not legally liable. It has been said that what this country needs is less Government in business and more business in Government. And in line with that policy the railroads, which had been taken over by the Government during the war, were returned to private management. The adoption of this measure means, however, a direct repudiation of that policy. And it is hard to see where in the future this will lead us. If we are to use the taxpayers' money to support farming and shipping, we might quite as reasonably use it to support fishing, manufacturing, and the railroads. If we are to have Government banks created to lend money to the farmers, ought we not also to create Government banks to lend money to automobile manufacturers, to the shoe industry, or to mining companies?

Only a fortnight ago the House expressed its opinion by a large majority against further issue of tax-exempt securities, the existence of which is practically nullifying the graded income tax, yet this bill authorizes the issuance of $600,000,000 additional tax-exempt securities.

But what is even more deplorable, the banking principles involved in the act, as the Secretary of the Treasury has pointed out, are fundamentally dangerous and unsound. Provision, for instance, is made for the loan of money for considerable periods of time upon perishable products subject to unpredictable fluctuations in price and which are peculiarly undependable for realization. In the already existing farm-loan banks loans are authorized upon mortgages only up to 50 per cent of the value of the land and 20 per cent of the permanent insured improvements, but, according to the provisions of this bill, the proposed new Government banks will be able to lend up to 75 per cent of the value of warehouse certificates and live stock, which are far less stable in value than mortgages upon land. It is not at all unlikely, if these banks are established, that some time in the not distant future when violent declines occur in the prices of produce upon which one or another of these institutions have loaned money, Congress will be called upon to make good the losses. Our Government will naturally be held responsible for the solvency of institutions of which it is the sole and only owner.

I am opposed to this measure because I am opposed to the further intrusion of Government in the field of private business. I am opposed to it because it will use the taxpayers' money and the Government's credit to subsidize a particular line of business. I am opposed to it because it will add very substantially to the sum of tax-free securities and render still less fruitful our taxes upon income. And I am even more opposed to it because it contains provisions that are financially unsound and certain to lead to financial disaster.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 24: Page 10, after line 2, insert:

UNITED STATES COAL COMMISSION.

To continue and conclude the investigation under the act entitled "An act to establish a commission to be known as the United States Coal Commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes," including personal services in the District of Columbia and elsewhere, $400,000, to remain available until September 22, 1923, or until December 31, 1923: *Provided*, That the President, if he deems the continuance of the work of the commission essential to the public interest, may, by Executive order, continue the commission in force to a date not later than December 31, 1923.

Mr. MADDEN. Mr. Speaker, I move to recede and concur with an amendment.

Mr. BANKHEAD. Mr. Speaker, I make a point of order against the motion, that the amendment that the gentleman asks to recede and concur in is not authorized by law unless the bill we passed this afternoon is approved by the President.

Mr. MADDEN. Mr. Speaker, I wish to say that the point of order made by the gentleman——

The SPEAKER pro tempore. The Chair was going to ask the gentleman from Alabama the grounds upon which he makes the point of order.

Mr. BANKHEAD. That there is not authorization of law.

The SPEAKER pro tempore. This is a Senate amendment, the Chair is advised.

Mr. MADDEN. Will the gentleman from Alabama yield to me?

Mr. BANKHEAD. Yes.

Mr. MADDEN. The item presented to the House would have been subject to a point of order at the time this bill was passed by the House.

SEVERAL MEMBERS. It was stricken out.

Mr. MADDEN. No; it was not in the bill. It was put in the bill by the Senate, and the rules of the House distinctly provide that a matter subject to a point of order in the House——

Mr. BANKHEAD. I confess my error in misunderstanding the facts and I withdraw the point of order.

The SPEAKER pro tempore. The gentleman withdraws the point of order. The Clerk will report the motion of the gentleman from Illinois to recede and concur with an amendment.

The Clerk read as follows:

Mr. MADDEN moves that the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"UNITED STATES COAL COMMISSION.

"For carrying out the provisions of the act entitled 'An act to establish a commission to be known as the United States Coal Commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes,' approved September 22, 1922, as amended, including personal services in the District of Columbia and elsewhere, fiscal years 1923 and 1924, $400,000."

Mr. BLANTON. Mr. Speaker, I make a point of order that there has been no amendment to the act of September, 1922; that the amendment offered by the gentleman from Illinois is not in order. There is no such amendment to that act.

Mr. MADDEN. The House has passed the bill.

Mr. BLANTON. But it has not been signed by the President and has not become the law.

Mr. MADDEN. We do not say anything about having become the law. The House has passed a bill extending the life of the commission and increasing the limit of cost. It is only

a matter of description, anyway, and it is not subject to the point of order.

Mr. BLANTON. The point of order is that no act can be amended unless it is a law signed by the President of the United States. There was no such act passed and signed by the President of the United States to the act of September, 1922.

Mr. STAFFORD. Mr. Speaker, the question, as I view it, is whether the amendment is germane to the legislative proposal of the Senate. The House has authority to vote money for expenditure under existing law or for something that may be provided in the future. The only question for the decision of the Chair is whether the proposed amendment is germane, and, of course, it is germane. We are not proceeding, so far as this provision is concerned, under the rules of the House, when the bill is first considered in the House, that you can not report any legislation on an appropriation bill. The one question for decision by the Chair is whether the amendment offered by the gentleman from Illinois is germane to the provision inserted by the Senate, and it being legislation, why, of course, any germane amendment is in order.

Mr. TILSON. Mr. Speaker, I think it is entirely immaterial whether the bill passed by the House and Senate becomes a law or not. If it is inaccurate in description, it should be amended by the House as it sees fit, but so far as the Chair has to decide it is a matter immaterial whether it has actually been passed or not. Whether it becomes a law or not, it makes no difference for the decision of the Chair.

Mr. MADDEN. It is simply descriptive.

The SPEAKER pro tempore. The Chair thinks the only question to be decided at this time is whether or not the amendment is germane to the Senate amendment, and about that there is no question. The other is mere surplusage, and the Chair overrules the point of order.

Mr. MADDEN. I yield five minutes to the gentleman from Tennessee [Mr. BYRNS] in this connection.

Mr. BYRNS of Tennessee. Mr. Speaker, I am in favor of the adoption of this amendment. This matter was very thoroughly discussed during the afternoon. As a matter of fact $200,000 has been heretofore appropriated for the coal commission, and about one-half of that amount has been expended. Your committee had before it the chairman of the coal commission and the Secretary, and they were very positive in the statement that unless an additional appropriation was made the money already expended would be wasted, and the amount unexpended had as well be turned back into the Treasury. The House by an overwhelming vote, consisting of much more than two-thirds, passed a bill this afternoon continuing this coal commission, the life of which expires in September of this year. I want to call the attention of the House very briefly to some of the statements which were made before the committee as to just what is being done and what it is proposed to do with the money which is sought to be appropriated by the Senate amendment. Mr. Hammond, who is chairman—and, by the way, I want to say that the members of the commission are composed of Mr. John Hays Hammond as chairman; ex-Vice President Thomas R. Marshall; Mr. Clark Howell, editor of the Atlanta Constitution; Dr. George Otis Smith, Director of the Geological Survey; Mr. Edward T. Devine; Mr. Charles P. Neill, whom we all remember was former Labor Commissioner.

Mr. Hammond stated, in response to a question by the chairman, as follows:

I feel very confident, Mr. Chairman, that we can justify this appropriation simply from the recommendations of a practical nature that we can make regarding improvement in mining methods alone, in the relations between the operators and the employees, the miners, and in a good many respects in details which in themselves are of no great import, but which cumulatively are of great importance in reducing the costs of operation. I do not like to go into that matter at much length here because it is a lengthy subject, and I know you are pressed for time, but I am confident that simply from the engineering recommendations we will justify this appropriation many times over yearly. The industry is the worst conducted industry, from an engineering point of view, that I have ever seen.

Now, we all know Mr. Hammond. We know that he is one of the most prominent and foremost mining engineers in this country, and I am quite sure that every one of us has confidence in his judgment and opinion. Now, in addition to that the chairman asked this question:

Is the commission unanimous in their request for this appropriation?

Mr. SMITH. Yes, sir; and also unanimous in the belief that it would not be worth while to continue this investigation after the 4th of March unless this additional appropriation is allowed, but that we should stop the investigation then and save what they can of the appropriation already made.

The CHAIRMAN. The commission is unanimous in the belief that the investigation will result in something worth while, if the additional money is appropriated?

Mr. HAMMOND. We will guarantee it.

Mr. SMITH. I would like to add the fact that the commission believes that it has had something to do, or a good deal to do, with settling the labor difficulties, so that we are already assured, and were assured a month ago, that there would be no strike on April 1, with the result that the coal market—that is, the soft-coal market—has been very much softened, and the result is that in four weeks, I think, as I figured it for the chairman, the average price for bituminous coal has gone down 84 cents, which means a material saving to the Government itself.

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. MADDEN. I yield to the gentleman two minutes more.

The SPEAKER pro tempore. The gentleman from Tennessee is recognized for two minutes more.

Mr. MADDEN. By the way, if the gentleman will yield there, I wish to say that some public officials came before our committee and stated that their price that they paid for coal had fallen about 84 cents a ton.

Mr. BYRNS of Tennessee. Yes. I think a great deal of credit is due to this coal commission for that fact, and as stated by Mr. Smith, this coal commission had a great deal to do with averting a strike on April 1 and with settling the difficulty between the operators and the miners.

Now what more? The Chairman asked:

The CHAIRMAN. Do you think the commission contributed to that reduction?

Mr. SMITH. We have been blamed for it by some of the coal operators.

Mr. HAMMOND. I think the operators themselves admit that. Of course, we are abused because we despoiled some of them of their profits.

Mr. SMITH. Ordinarily that labor situation is not settled until just on the eve of April 1, if it is settled at all.

The CHAIRMAN. Is it settled now?

Mr. SMITH. Practically all the districts have signed up.

Now, gentlemen, I think in view of what this coal commission has done, and in view of what has been promised us by Mr. Hammond, the chairman of the commission, and in view of the fact that there has been a reduction already in the price of bituminous coal, this appropriation ought to be granted, because certainly if by granting this appropriation we can secure a further reduction in the price of soft coal to the consumers of this country and avert a coal famine and prevent a high price for coal in the winter, this amount of money is a mere bagatelle compared with what it will mean to the people of this entire country.

Mr. MADDEN. Mr. Speaker, I think it safe to say that there has never been a commission of men better equipped to do a job than the men who compose this coal commission. From all the information that our investigation discloses I have reached the conclusion that the investment of the $200,000 previously appropriated and the $400,000 here proposed to be appropriated will yield a greater return than any other money ever expended from the Public Treasury. I hope the House will concur in the amendment.

The SPEAKER pro tempore. The question is on agreeing to the motion to concur in the Senate amendment.

The question was taken, and the motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Senate amendment No. 36: Page 18, line 4, insert the following:

"SUPERINTENDENT OF THE WASHINGTON ASYLUM AND JAIL.

"The superintendent of the Washington Asylum and Jail appointed by the Commissioners of the District of Columbia is hereby directed, authorized, and required to execute the judgments of the law heretofore pronounced and hereafter to be pronounced in the District of Columbia by the courts thereof in all capital cases, and the power and authority heretofore given to and now vested in such commissioners to appoint such superintendent and all appointments to the position of such superintendent made by such commissioners are hereby ratified and confirmed; and any failure on the part of Congress, either heretofore or hereafter, to make a specific appropriation for the salary or compensation of such superintendent shall not be construed either as an abolition of such position of superintendent of the Washington Asylum and Jail or as a repeal of the power and authority of such commissioners to appoint such superintendent."

Mr. MADDEN. Mr. Speaker, in order that the House may understand what this means, it seems that a man was convicted of murder in the District; he was adjudged guilty; he was ordered to be executed; but because a specific appropriation had not been made to the superintendent of the Washington Asylum and Jail, the court held that there was no man in official authority authorized to execute the judgment of the court. They suspended sentence until some action could be taken. This action is to meet that situation.

Mr. MACGREGOR. Will the man be hanged now?

Mr. MADDEN. Yes.

The SPEAKER pro tempore. What is the gentleman's motion?

Mr. MADDEN. My motion is to recede and concur in the Senate amendment.

The SPEAKER pro tempore. The gentleman from Illinois moves to recede and concur in the Senate amendment. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Senate amendment No. 40: Page 34, line 9, insert the following: "To enable the Secretary of Agriculture, in cooperation with the Secretary of War, to investigate and develop the use of the airplane as a means of distributing insecticides for the control of the boll weevil and other cotton insects, including the employment of persons and means in the city of Washington, D. C., and elsewhere, and all other necessary expenses, to remain available until expended, $40,000, or so much thereof as may be necessary."

Mr. MADDEN. Mr. Speaker, I move to recede and concur with the following amendment.

The Clerk read as follows:

Mr. MADDEN moves that the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: "In lieu of the word 'expended' in the matter inserted by said amendment, insert the following: 'June 30, 1924.'"

Mr. MADDEN. Mr. Speaker, I wish to say that experiments have been made by the airplane for the elimination or eradication of certain insects which affect agricultural crops and it has been a great success. The people of the South, many of them in the cotton-raising belt, want to try the airplane method to do away with the boll weevil, and from what information I have it leads me to conclude that the experiment is worth while. If it succeeds, it will save hundreds of millions of dollars to the cotton-raising business.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Illinois.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will read the next amendment.

The Clerk read Senate amendment 54, as follows:

MARSHALS, DISTRICT ATTORNEYS, CLERKS, AND OTHER EXPENSES OF UNITED STATES COURTS.

Expenses of additional district courts: For expenses of courts held in any judicial district pursuant to assignment under the act approved September 14, 1922, or other laws, of a judge from without that district, to be immediately available and to remain available until June 30, 1924, $300,000: *Provided*, That this appropriation shall be construed as additional and supplementary to the several appropriations for the judiciary, for the fiscal years 1923 and 1924, for the employment and expenses of assistant district attorneys, deputy marshals, deputy clerks, and all other officers and employees of the courts, the payment of rent of court rooms, fees of witnesses and jurors, pay of bailiffs, and all other necessary expenses connected with or incident to the holding of court in any judicial district by a judge other than the judge or judges appointed for the judicial district in which the court is held: *Provided further*, That expenditures shall not be required to be made directly from this appropriation, but the expenses of courts held in any judicial district by a visiting judge shall be determined by the Attorney General from time to time, under such regulations as he may prescribe, his determination of the amount of such expenses in any case to be conclusive, and to the extent that he finds any expenses are so incurred he may direct payment from such regular appropriations and the transfer thereto from this additional appropriation of the amount of such expenses: *Provided further*, That so much as may be necessary of this sum may be used, under the direction of the Supervising Architect of the Treasury, in providing additional court rooms in public buildings already erected to accommodate the additional judges recently appointed in holding court therein.

Mr. MADDEN. Mr. Speaker, I move to recede and concur with the following amendment:

The Clerk read as follows:

Mr. MADDEN moves that the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert the sum "$100,000."

The SPEAKER pro tempore. The question is on the motion of the gentleman from Illinois.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will read the next amendment.

The Clerk read Senate amendment 66, as follows:

SEVENTEENTH INTERNATIONAL CONGRESS AGAINST ALCOHOLISM.

For expenses of delegates, not exceeding 10 in number, to be designated by the President to the Seventeenth International Congress Against Alcoholism, at Copenhagen, Denmark, to be held in 1923, including the cost of secretarial and stenographic work and transcription of the report, $7,500.

Mr. MADDEN. Mr. Speaker, for over 17 years the Government of the United States has participated in these conventions. I move to recede and concur.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 173, noes 17.

So the motion was agreed to.

The SPEAKER pro tempore. The Clerk will read the next amendment.

The Clerk read Senate amendment 72, as follows:

That the Secretary of War be authorized and directed to continue on the rolls of the War Department the name of John R. Kissinger, late of Company D, One hundred and fifty-seventh Indiana Volunteer Infantry, and also late of the Hospital Corps of the United States Army, and continue to pay him the sum of $100 per month during his natural life pursuant to the act of Congress approved February 15, 1911, notwithstanding the fact that certain payments of pension money may have heretofore been made to said John R. Kissinger under a special act of Congress approved March 2, 1917; and that return of such sums as have been paid contrary to law to said John R. Kissinger under said act of March 2, 1917, shall not be demanded, nor shall any deduction on account of such payment be made from moneys due and payable to him under said act of February 15, 1911.

Mr. MADDEN. Mr. Speaker, I move to recede and concur.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read Senate amendment No. 76, as follows:

INTERNATIONAL SHOOTING COMPETITION.

To meet the expenses incident to holding on international shooting competition in the United States in connection with the national matches, to be expended under the direction of the Secretary of War, to be immediately available, and to remain available until December 31, 1923: *Provided*, That the rifles, pistols, equipment, ammunition, and personal effects of the visiting riflemen from foreign countries be admitted to the United States without the imposition of duty, $25,000.

Mr. MADDEN. Mr. Speaker, I move to recede and concur.

The motion was agreed to.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD explanatory of the bill.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Speaker, I make the point of order that no quorum is present.

ADJOURNMENT.

Mr. MADDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 37 minutes p. m.) the House adjourned until to-morrow, Saturday, March 3, 1923, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1026. A letter from the Postmaster General of the United States, transmitting claim of James E. Simpson, postmaster at Collinsville, Ill., for credit on account of Government property to the value of $14,051.93 committed to his care and lost through the burglary of the post office at Collinsville, Ill., on December 18, 1920; to the Committee on Claims.

1027. A letter from the Postmaster General of the United States, transmitting claim of J. Walter Payne, postmaster, Paris, Ky., for credit on account of public funds and property of the value of $11,572.06 committed to his care and lost through the burglary of the post office on March 2, 1921; to the Committee on Claims.

1028. A letter from the chairman of the Colorado River Commission, transmitting report of the proceedings of the Colorado River Commission and the compact of agreement entered into between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming respecting the apportionment of the waters of the Colorado River (H. Doc. No. 605); to the Committee on Irrigation of Arid Lands and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 14429. A bill granting the consent of Congress to the reconstruction, maintenance, and operation of an existing bridge across the Red River between Grand Forks, N. Dak., and East Grand Forks, Minn.; without amendment (Rept. No. 1752). Referred to the House Calendar.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 14428. A bill granting the consent of Congress to the reconstruction, maintenance, and operation of an existing bridge across the Red River between Moorhead, Minn., and Fargo, N. Dak.; without amendment (Rept. No. 1753). Referred to the House Calendar.

Mr. SWEET: Committee on Interstate and Foreign Commerce. H. J. Res. 296. A joint resolution authorizing and directing the accounting officers of the General Accounting Office to allow credit to the disbursing clerk of the United States Veterans' Bureau in certain cases; with amendments (Rept. No. 1754). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KELLY of Pennsylvania: A bill (H. R. 14458) to provide for the construction of a waterway from the Ohio River to Lake Erie; to the Committee on Rivers and Harbors.

By Mr. KLINE of New York: A bill (H. R. 14459) to credit crews of Harvard and Yale with service performed; to the Committee on Pensions.

By Mr. BRITTEN: A bill (H. R. 14460) to amend the act of August 29, 1916 (ch. 47, pp. 578–579, United States Statutes at Large, 64th Cong., 1915–1917, vol. 39, pt. 1); the act of May 22, 1917 (ch. 20, p. 86, United States Statutes at Large, 64th Cong., 1917–1919, vol. 40, pt. 1); and the act of July 11, 1919 (ch. 9, p. 39, United States Statutes at Large, 66th Cong., 1919–1921, vol. 41, pt. 1), relative to the promotion of officers of the line of the Navy by selection; to the Committee on Naval Affairs.

By Mr. JEFFERS of Alabama: A bill (H. R. 14461) to establish the McClellan national forest in the State of Alabama; to the Committee on Agriculture.

By Mr. FRENCH: A bill (H. R. 14462) establishing a Naval Reserve Force; to the Committee on Naval Affairs.

By Mr. BURTON: A bill (H. R. 14463) for the purchase of a site and the erection of a Federal building at Willoughby, Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14464) for the purchase of a site and the erection of a Federal building at Bedford, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. HILL: A resolution (H. Res. 572) directing the Federal Prohibition Commissioner to transmit to the House of Representatives copies of all rules and regulations issued by that office in the enforcement of the national prohibition act; to the Committee on the Judiciary.

By the SPEAKER (by request): Memorial of the Legislature of the State of Idaho, urging Congress to enact into law the Norris-Sinclair farmer aid bill; to the Committee on Agriculture.

Also (by request), memorial of the Legislature of the State of Idaho, recommending that Congress by appropriate legislation provide for proper coordination between the Interstate Commerce Commission and the wage board; to the Committee on Interstate and Foreign Commerce.

Also (by request), memorial of the Legislature of the State of Montana, petitioning Congress to enact such legislation as will provide for a Great Lakes-St. Lawrence waterway project; to the Committee on Interstate and Foreign Commerce.

By Mr. KISSEL: Memorial of the Legislature of the State of Oregon, petitioning Congress to amend the Federal grain standards act; to the Committee on Agriculture.

By Mr. MONDELL: Memorial of the Legislature of the State of Wyoming, requesting Congress to complete the St. Lawrence tidewater project; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FITZGERALD: A bill (H. R. 14465) granting a pension to Margaret E. McNair; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 14466) granting a pension to Barbara Ellen Baker; to the Committee on Invalid Pensions.

By Mr. HOGAN: A bill (H. R. 14467) for the relief of Frederick D. W. Baldwin; to the Committee on Naval Affairs.

By Mr. RIORDAN: A bill (H. R. 14468) for the relief of Thomas G. Patten; to the Committee on Claims.

By Mr. WYANT: A bill (H. R. 14469) granting a pension to Maggie K. Cline; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14470) granting a pension to Mary C. Derby; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7495. By the SPEAKER (by request): Petition of the Priors, urging speedy passage of the amendment to the United States Constitution prohibiting child labor; to the Committee on the Judiciary.

7496. Also (by request), petition of bishop of New Hampshire, Edward M. Parker; Mrs. Percy C. Pennybacker; Mrs. O. S. Lamson; Stanley White, of Armenia America Society; H. M. Bremer; Mrs. Chas. F. Pope; Robert L. Dickinson, of 438 West One hundred and sixteenth Street, New York City; Emily M. Ferry; and Harold Hatch, urging passage of refugee immigration bills now before Congress; to the Committee on Immigration and Naturalization.

7497. By Mr. APPLEBY: Petition of consistory and congregation of St. Paul Reformed Church, of Milltown, N. J., urging the passage of the so-called Newton bill; to the Committee on Foreign Affairs.

7498. By Mr. BURTNESS: Petition of 73 citizens of Lawton, N. Dak., requesting Congress to fix a minimum price on wheat and other farm products to cover cost of production plus a reasonable profit to the producer; to the Committee on Agriculture.

7499. By Mr. GARRETT of Tennessee: Petition of residents of Trimble, Tenn., opposing House bill 9753 or any other Sunday bill; to the Committee on the District of Columbia.

7500. By Mr. GREEN of Iowa: Petition of Adam Schmitz and others, urging extension of relief to the people of the German and Austrian Republics; to the Committee on Foreign Affairs.

7501. By Mr. GRIFFIN: Petition of the Taxpayers' Alliance of the Borough of the Bronx, calling attention to the coal emergency and urging immediate Government control of the situation; to the Committee on Interstate and Foreign Commerce.

7502. By Mr. KELLY of Pennsylvania: Petition of Buena Vista (Pa.) Council, Order of Independent Americans, protesting against increase of 3 per cent quota plan of immigration; to the Committee on Immigration and Naturalization.

7503. Also, petition of Turtle Creek Council, Fraternal Patriotic Americans, praying for restriction of immigration; to the Committee on Immigration and Naturalization.

7504. By Mr. KISSEL: Petition of Bedford and Park Avenues Board of Trade, of Brooklyn, N. Y., favoring the establishment of a national police bureau; to the Committee on the Judiciary.

7505. Also, petition of Flatbush Chamber of Commerce (Inc.), New York City, N. Y., approving Senate bill 4202, creating a national police bureau; to the Committee on the Judiciary.

7506. Also, petition of William W. Hasseck, United States Public Health Service, Hospital No. 80, Fort Lyon, Colo., asking for home treatment of veterans with pay through legislation; to the Committee on Interstate and Foreign Commerce.

7507. By Mr. MEAD: Petition of Scott & Williams, New York, N. Y., urging the passage of the Sterling-Lehlbach bill; to the Committee on Reform in the Civil Service.

7508. By Mr. ROUSE: Petition of 124 citizens of Campbell County, Ky., protesting against the enactment of any legislation toward the change of the present immigration laws that will permit admission of aliens other than provided by present laws; to the Committee on Immigration and Naturalization.

7509. By Mr. SABATH: Petition of Jesse M. Yonan, M. D., Ira A. David, D. D. S., Rev. Haidow Ablahat, Rev. S. David, Rev. Raiel S. Newey, Rev. George Azoo, Mr. Andrew D. Urshan, Mr. Jonothan S. Colia, all of Chicago, Ill., urging an increase in the Assyrian immigration quota; to the Committee on Immigration and Naturalization.

7510. By Mr. SMITH of Idaho: Petition of the board of directors of the Gem Irrigation District, Homedale, Idaho, on February 6, 1923, urging a reduction in freight rates; to the Committee on Interstate and Foreign Commerce.

7511. Also, petition of the board of directors of the Oakley Canal Co., Oakley, Idaho, urging the reduction of freight rates; to the Committee on Interstate and Foreign Commerce.

7512. By Mr. TINKHAM: Petition of Massachusetts Commandery of the Military Order of Foreign Wars of the United States, favoring the construction of an archives building; to the Committee on Public Buildings and Grounds.

7513. Also, petition of Veterans of Foreign Wars of the United States, Massachusetts Department, favoring the enactment into law of Senate bill 1565; to the Committee on Military Affairs.

7514. Also, petition of Oriskany Unit, Boston Branch, of the Steuben Society of America, favoring a conference of nations being called of those nations involved in the war to write a new treaty of peace; to the Committee on Foreign Affairs.